



AGENDA

Ordinary Meeting

Thursday, 15 November 2018

commencing at 6pm

**Pomona Showgrounds Hall
Corner of Exhibition St and Pavilion St, Pomona**

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

“Noosa Shire – different by nature”

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1 ATTENDANCE & APOLOGIES

2 CONFIRMATION OF MINUTES

The Minutes of the Ordinary Meeting held on 18 October 2018 be received and confirmed.

3 MAYORAL MINUTES

4 PETITIONS

5 NOTIFIED MOTIONS

Nil.

6 CONSIDERATION OF COMMITTEE RECOMMENDATIONS**PLANNING & ENVIRONMENT COMMITTEE RECOMMENDATIONS**

6 NOVEMBER 2018 - Crs Brian Stockwell (Chair), Jess Glasgow, Ingrid Jackson, Tony Wellington

Other Councillors in attendance: Cr Frank Wilkie

1 MCU17/0005 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE ENTERTAINMENT AND DINING BUSINESS TYPE 2 RECREATION, AMUSEMENT & FITNESS (PAINTBALL), 113 MARARA ST COOROY

Committee Recommendation

Moved: Cr Glasgow

Seconded: Cr Wellington

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 6 November 2018 regarding Planning & Environment Court Appeal No. D155 of 2018 and agree to defend the appeal.

Carried.

2 MCU18/0117 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR INDUSTRIAL BUSINESS TYPE 1, WAREHOUSE AND RETAIL BUSINESS TYPE 7, GARDEN CENTRE AT 124 EUMUNDI NOOSA ROAD, NOOSAVILLE

Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Jackson

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 6 November 2018 regarding Application No. MCU18/0117 for a Development Permit for Material Change of Use for Industrial Business, Type 1 Warehouse and Retail Business, Type 7 Garden Centre situated at 124 Eumundi Noosa Rd Noosaville Qld and:

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

PLANNING

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 unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
A.01		Existing Floor Plan, prepared by Zest Building Design	Plot date 29/08/2018

Nature and Extent of Approved Use

3. The approved Use Area for the Retail Business Type 7 – Garden Centre is 182m². This total includes 20% Use Area permitted as part of the industrial business.
4. The development must not include a café.

Performance Bond

5. Security in the form of a cash bond or trading bank guarantee to the sum of **\$1500** must be submitted to Council, to secure performance of all conditions of this approval, within 20 days of this approval taking effect. 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.

Landscaping

6. Additional plantings must be provided to the 2 gardens located on each side of the driveway to the Eumundi Noosa Road. A minimum of 1 feature tree must be planted in the north east corner garden and a minimum of 3 feature trees planted in the south west garden. The plantings must be in accordance with Council's Planning Scheme Policy PSP3 Landscaping Plants and Guidelines. The feature trees must be *Acronychia imperforata* and have a minimum pot size of 45 litres.

Car parking

7. A minimum of 10 car spaces must be provided on site in accordance with AS/NZS2890.1:2004.
- B. Find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. The garden centre is consistent with the Overall Outcomes of the Noosaville Locality Code as it is a retail use which is compatible with the surrounding uses and generally unsuited to the business centres.
 2. The proposal will operate in association with the industrial Warehouse with no negative impacts on the adjoining uses.
- C. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
Carried.

3 MCU18/0084 REPRESENTATIONS TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 3 (RURAL CABINS) AT 340 POMONA KIN KIN ROAD, PINBARREN

Committee Recommendation

Moved: Cr Jackson

Seconded: Cr Glasgow

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 11 September 2018 regarding representations made to the Decision Notice (MCU18/0084) for a Material Change of Use - Visitor Accommodation Type 3 Rural (Cabins) situated at 340 Pomona Kin Kin Rd, Pinbarren and:

- A. Agree to change Condition 2 to read as follows:

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
A1	D	<i>Site Plan</i> , prepared by Jim Morehead Building Design and Drafting	04.10.18
A2	C	<i>Site Plan – Aerial View</i> , prepared by Jim Morehead Building design and Drafting	04.10.18
A3	C	<i>Part Site Plan</i> , prepared by Jim Morehead Building design and Drafting	04.10.18
		<i>Floor Plan</i> , provided by Cabin Warehouse	
		<i>Elevations A & B</i> , provided by Cabin Warehouse	

- B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

Carried.

4 MCU18/0009 REQUEST FOR NEGOTIATED DECISION NOTICE - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE - MULTIPLE HOUSING - TYPE 3 RETIREMENT AND SPECIAL NEEDS SITUATED AT 186 COOROY NOOSA ROAD, TEWANTIN

Committee Recommendation

Moved: Cr Glasgow

Seconded: Cr Wellington

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 6 November 2018 regarding representations made to Decision Notice MCU18/0009 for a Material Change of Use Multiple Housing –Type 3 Retirement & Special Needs situated at 186 Cooroy Noosa Rd Tewantin and:

- A. Amend the type of approval from a Preliminary Approval for a Material Change of Use - Multiple Housing Type 3 - (Retirement & Special Needs) to Development Permit for a Material Change of Use - Multiple Housing Type 3 - (Retirement & Special Needs – 32 beds).
- B. Agree to change conditions 1, 2, 26, 27 36 and 39 to read:
1. 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
MCU 01 A		Existing Part Site Plan <i>by Middap Architecture</i>	August 2018
MCU 02 A		Proposed Lower Level Plan <i>by Middap Architecture</i>	August 2018
MCU 03 A		Proposed Upper Level Plan <i>by Middap Architecture</i>	August 2018
MCU 04	A	Site Sections <i>by Middap Architecture</i>	August 2018
MCU 05	A	Proposed Site Elevations <i>by Middap Architecture</i>	August 2018
MCU 06	A	Proposed Entry/Café Floor Plan <i>by Middap Architecture</i>	August 2018
MCU 07	A	Proposed Entry/Café Elevations <i>by Middap Architecture</i>	August 2018
MCU 08	A	Proposed Villa 1 Floor Plans <i>by Middap Architecture</i>	August 2018
MCU 09	A	Proposed Villa 1 Floor Elevations <i>by Middap Architecture</i>	August 2018
MCU 10	A	Proposed Villa 3 Floor Plan <i>by Middap Architecture</i>	August 2018
MCU 11	A	Proposed Villa 3 Elevations <i>by Middap Architecture</i>	August 2018
MCU 12	A	Proposed Villa 2 + 4 Floor Plans <i>by Middap Architecture</i>	August 2018
MCU 13	A	Proposed Villa 2 + 4 Elevations <i>by Middap Architecture</i>	August 2018

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2. The development must include the following, to the reasonable satisfaction of the Manager, Development Assessment:
 - 2.1. Deleted
 - 2.2. Car parking must be provided at a rate of 0.92 car spaces per bed. Of these, 0.21 spaces per bed are for event days which must be accommodated on the site, but may be located in temporary areas. The layout must comply with Australian Standard AS/NZS 2890.1-2004 and may include the existing 18 car parking spaces in the road reserve.
 - 2.3. Deleted
 - 2.4. Deleted
 - 2.5. A minimum landscape setback of 6.0 metres must be provided to all boundaries, apart from existing development, with existing vegetation retained and reinforced in the setbacks to maintain the amenity of adjoining residents and a visual screen to Cooroy Noosa Road.
 - 2.6. Noise attenuation measures must be incorporated into the building design to mitigate traffic noise impacts from Cooroy Noosa Road. The design criteria for the development must be 63dB(A)L10(18hours)
 - 2.7. Deleted
 26. All works must be constructed and work procedures undertaken in accordance with:
 - a. The approved plans, the approved amended plans and the conditions detailed in this Decision Notice.
 - b. The document 'Proposed Cartwright Village Extension – Carramar, Noosa Care Integrated Water Management Plan Version 2 by Callaghan & Toth dated September 2018.
 - c. The document 'Noosa Care Inc Cartwright Village Extension Carramar, Cooroy Noosa Road, Tewantin Preliminary Design of Stormwater Detention Volume' by BSM dated 21 December 2017.
 - d. The document 'Flood Study Noosa Care – Carramar' by Cardno dated 24 July 2017.
 - e. The Addendum Letter by Cardno (document number WE17064) dated 23 March 2018.
 - f. The Technical Memorandum by Cardno (ref WE17064_Carramar_TM01) dated 27 September 2018.
 - g. A minimum Finished Floor Level (FFL) of the Aged Care Facility and any associated facilities at 8.80m AHD.
 - h. A minimum Finished Floor Level (FFL) of the Independent Living Units of 8.80m AHD.
 - i. All relevant Noosa Council Planning Scheme Policies, standard drawings, standard specifications and guidelines are to be adhered to.
 27. An easement for drainage purposes must be registered against the titles of the properties in favour of Council over the land area identified as being external to the area to be dedicated as Environmental Park and below the post development 1% AEP flood level on the subject site from flooding sources external to the site (excluding proposed structures). The easement width must be in accordance with Noosa Council's Development Design Planning Scheme Policies. The easement must be granted at no cost to Noosa Council. The wording of the easement documentation must be in accordance with Council's Standard Easement document.

36. Prior to obtaining a Development Permit for Operational Works the land area identified as being to the east of the proposed wetland fence on Middap Architecture Pty Ltd - Plan MCU. 02A. (Proposed Lower Level Plan August 2018) be dedicated to Council in fee simple on trust for the purpose of an Environmental Park.

The land to be dedicated is "non-trunk infrastructure" for the purposes of the Planning Act 2016.

39. A permanent fence must be constructed along the interface of the development site with the land area to be dedicated. The fence must be constructed in accordance with an Operational Works approval and must be to the following specifications:

- a. 2.1 metre high
- b. Pool fence with vertical bars at 100mm centres (or similar)
- c. Educational signage for wetlands protection.

- C. Note the report is provided in accordance with Section 63(5) of the Planning Act 2016.

Carried.

5 MCU18 0102 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 CONVENTIONAL (122 BEDS) AT 16 MARY STREET, NOOSAVILLE

Committee Recommendation

Moved: Cr Glasgow

Seconded: Cr Jackson

That Planning & Environment Committee Agenda Item 5 be referred to the General Committee due to the significance of the issue.

Carried.

Cr Wellington left the meeting.

6 ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DEPARTMENT UPDATE - 1ST QUARTER 2018-19

Committee Recommendation

Moved: Cr Jackson

Seconded: Cr Glasgow

That Council note the report by the Director Environment and Sustainable Development to the Planning and Environment Committee Meeting dated 6 November 2018 providing an update on operations of the Environment and Sustainable Development Department for the period 1 July to 30 September 2018.

Carried.

Recommendation

The Planning & Environment Committee recommendations dated 6 November 2018 be adopted except where dealt with or held over by separate resolution.

SERVICES & ORGANISATION COMMITTEE RECOMMENDATIONS

6 NOVEMBER 2018 – Crs Joe Jurisevic (Chair), Frank Pardon, Tony Wellington & Frank Wilkie

Other Councillors in attendance: Crs. Ingrid Jackson and Brian Stockwell

1 1718T043 PREFERRED SUPPLIER ARRANGEMENT FOR THE HIRE OF PLANT & OPERATORS

Committee Recommendation

Moved: Cr Pardon

Seconded: Cr Wilkie

That Council note the report by the Civil Operations Manager to the Services & Organisation Committee Meeting dated 6 November 2018 and:

- A. Award the contractors listed in Table 1 within the report as preferred suppliers for plant and operator hire pursuant to tender 1718T143; and
- B. Award the contract for an initial term of up to two (2) years, with an option to extend the arrangement for up to three (3) x twelve (12) month periods.

Carried.

2 NOOSA SPIT SHORELINE EROSION INVESTIGATION - SHORELINE EROSION MANAGEMENT PLAN

Committee Recommendation

Moved: Cr Pardon

Seconded: Cr Wilkie

That Services & Organisation Committee Agenda Item 2 be referred to the General Committee for further consideration.

Carried.

3 2018 ANNUAL DISASTER AND RECOVERY MANAGEMENT REPORT

Committee Recommendation

Moved: Cr Wilkie

Seconded: Cr Pardon

That Council note the report by the Project Officer, Disaster Management and Special Projects to the Services & Organisation Committee Meeting dated 6 November 2018 providing an update on disaster and recovery management activities and thank the members of and advisors to the Noosa Local Disaster Management Group for their participation.

Carried.

4 REFUGEE WELCOME ZONE

Committee Recommendation

Moved: Cr Wellington

Seconded: Cr Pardon

That Services & Organisation Committee Agenda Item 4 be referred to the General Committee due to the significance of the issue.

Carried.

5 ANNUAL REPORT 2017/18**Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Services & Organisation Committee Agenda Item 5 be referred to the General Committee due to the significance of the issue.

Carried.**6 EXECUTIVE SERVICES DEPARTMENT UPDATE - 1ST QUARTER 2018-19****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Council note the report by the Director Executive Services to the Services & Organisation Committee Meeting dated 6 November 2018 providing an update on operations of the Executive Services Department for the period 1 July to 30 September 2018.

Carried.**7 CORPORATE SERVICES DEPARTMENT UPDATE - 1ST QUARTER 2018-19****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Council note the report by the Director Corporate Services to the Services & Organisation Committee Meeting dated 6 November 2018 providing an update on operations of the Corporate Services Department for the period 1 July to 30 September 2018.

Carried.**8 INFRASTRUCTURE SERVICES DEPARTMENT UPDATE - 1ST QUARTER 2018-19****Committee Recommendation****Moved: Cr Pardon****Seconded: Cr Wilkie**

That Council note the report by the Director Infrastructure Services to the Services & Organisation Committee Meeting dated 6 November 2018 providing an update on operations of the Infrastructure Services Department for the period 1 July to 30 September 2018.

Carried.**9 COMMUNITY SERVICES DEPARTMENT UPDATE - 1ST QUARTER 2018-19****Committee Recommendation****Moved: Cr Wilkie****Seconded: Cr Pardon**

That Council note the report by the Director Community Services to the Services & Organisation Committee meeting dated 6 November 2018 providing an update on the operations of the Community Services Department for the period 1 July to 30 September 2018.

Carried.

10 OPERATIONAL PLAN PROGRESS REPORT - 1ST QUARTER 2018-19**Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Wilkie**

That Council note the report by the Chief Executive Officer to the Services & Organisation Committee Meeting dated 6 November 2018 providing an update on progress with the implementation of the Operational Plan to 30 September 2018 and details of Council's Key Performance Indicators.

Carried.**Recommendation**

The Services & Organisation Committee recommendations dated 6 November 2018 be adopted except where dealt with or held over by separate resolution.

GENERAL COMMITTEE RECOMMENDATIONS

12 NOVEMBER 2018 – Crs. Frank Wilkie (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic, Frank Pardon and Brian Stockwell, Tony Wellington

1 MCU18/0102 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 CONVENTIONAL (122 BEDS) AT 16 MARY STREET, NOOSAVILLE

Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Jurisevic

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 6 November 2018 regarding Application No. MCU18/0102 for a Development Permit for Material Change of Use - Visitor Accommodation - Type 4 Conventional (122 beds) situated at 14-16 Mary Street Noosaville and defer consideration of the matter to the Ordinary Meeting dated 15 November to allow staff to bring forward a further report with amended conditions of approval to include conditions which approve the height of the building as proposed by the applicant, allow operation of the internal pool and café area until 10pm at night, that condition the operation to install a sound monitoring system and 24hr onsite management to maintain statutory requirements in terms of noise nuisance and allow Council the opportunity to review compliance of that noise condition in 12 months, and reduce the extent of acoustic fencing.

Carried.

2 NOOSA SPIT SHORELINE EROSION INVESTIGATION - SHORELINE EROSION MANAGEMENT PLAN

Moved: Cr Stockwell

Seconded: Cr Wellington

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 6 November 2018 and support the completion of a Shoreline Erosion Management Plan for Noosa Spit and Noosa Main Beach subject to funding being provided in Budget Review 2.

Amendment

Moved: Cr Pardon

Seconded: Cr Jurisevic

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 6 November 2018 and support the urgent completion of a Shoreline Erosion Management Plan for Noosa Spit and Noosa Main Beach subject to funding being provided in Budget Review 2.

Carried.

Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Wellington

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 6 November 2018 and support the urgent completion of a Shoreline Erosion Management Plan for Noosa Spit and Noosa Main Beach subject to funding being provided in Budget Review 2.

Carried.

3 REFUGEE WELCOME ZONE**Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Jackson**

That Council note the report by the Community Development Manager to the Services & Organisation Committee Meeting dated 6 November 2018 and agree to declare Noosa Shire as a Refugee Welcome Zone by signing The Refugee Council of Australia's Refugee Welcome Zone Declaration.

Carried.**4 ANNUAL REPORT****Committee Recommendation****Moved: Cr Wellington****Seconded: Cr Glasgow**

That Council note the report by the Director Executive Services to the Services & Organisation Committee Meeting dated 6 November 2018 and:

- A. Adopt the '2017/18 Annual Report' (provided at Attachment 1 to the report) incorporating the 2017/18 Audited Financial Statements; and
- B. Authorise the Chief Executive Officer to make any required minor amendments to the document prior to publication.

Carried.**5 FURTHER REPORT MCU18/0094 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE, MULTIPLE HOUSING TYPE 4 (4 DWELLING UNITS), 15 GARNET STREET, COOROY****Committee Recommendation****Moved: Cr Jurisevic****Seconded: Cr Stockwell**

That Council note the further report by the Development Planner to the General Committee Meeting dated 12 November 2018 regarding Application No. MCU18/0094 for a Development Permit for Material Change of Use for Multiple Housing - Type 4 Conventional. (4 Dwelling Units) situated at 15 Garnet St, Cooroy and approve the application in accordance with following the conditions:

PLANNING**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 unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
A10	G	Ground – Site Plan, drawn by <i>Morriarchi Architecture</i>	29 October 2018
A11	F	Level 1 – Roof – Site Plan, drawn by <i>Morriarchi Architecture</i>	29 October 2018
A12	C	Townhouse Type A (3 bed) – Floor Plans, drawn by <i>Morriarchi Architecture</i>	3 July 2018
A13	C	Townhouse Type B (2 bed) – Floor Plans, drawn by <i>Morriarchi Architecture</i>	3 July 2018
A14	B	Landscape Plan, drawn by <i>Morriarchi Architecture</i>	29 October 2018
A20	F	Elevations, drawn by <i>Morriarchi Architecture</i>	30 October 2018
A30	F	Sections, drawn by <i>Morriarchi Architecture</i>	29 October 2018
A80	G	Perspective Images, drawn by <i>Morriarchi Architecture</i>	30 October 2018
A81	B	Finishes	30 October 2018

Nature and Extent of Approved Use

- This approval is for 1 x 3 bedroom unit and 3 x 2 bedroom units. The TV/Study room is not permitted to be fully enclosed for use as a bedroom.

Building Height

- The maximum height of the development must not exceed 8 metres above the finished ground level and the natural ground level.

Performance Bond

- Security in the form of a cash bond or trading bank guarantee to the sum of **\$20,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to pre-start meeting. 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.

Street Identification

- 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.

Building Appearance

- 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.

Fencing and Walls

- Any street fencing 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.
- The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

Clothes Drying Areas

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

Protection of Privacy

11. To ensure privacy is protected between adjoining properties, the windows located on the upper western building face of the building must either:
 - a. have a minimum window sill height of 1.5 metres above floor level;
 - b. be fitted with translucent glazing;
 - c. be fitted with a fixed external screen.
12. 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.
13. All clauses and by-laws of the proposed Community Management Statement must accord with the requirements of this Decision Notice.

Retention of mango tree

14. The existing mango tree located in the north eastern corner on the site must be retained.
15. An Arborist Report (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval must provide recommendations for the design of civil works, including retaining walls, to accommodate the retention of the Mango tree.
16. The Mango tree identified for retention in the conditions of this approval must be maintained in good health during construction and operational use for the expected life of the tree.

*(Refer to Advisory Note)

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 Planning Scheme Policy PSP 3 – Landscaping Plants and Guidelines and must include in particular:
 - a. The works shown on the approved Landscape Concept Plan using predominately local native species;
 - b. The provision of 6 x 100L local native street trees to the road frontages suitable for the location and sight lines.
 - c. Retention of the mango tree within the north eastern corner of the lot within a mulched garden setting.
18. 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.
19. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

ENGINEERING**External Works**

20. A 2.0m wide concrete footpath must be provided within the road verge for the entire length of the frontage of the site to Wattle Street. The path must generally match with the existing grassed verge without causing a trip hazard. The works must be undertaken in accordance with an Operational Works approval and must include/address the following:

- a. Be in compliance with IPWEAQ standard drawing SEQ R-065 *Concrete Pathway Construction Details*;
- b. Be extended to smoothly tapered and join with the existing path along Garnet Street.

Reinstatement Works

21. Any redundant driveway and/or kerb layback must be removed, and the kerb line and verge area reinstated and landscaped to match the existing kerb and/or verge treatments. Grassed verge areas to be reinstated must be provided with 100 mm topsoil and turf, and must be maintained by the developer until established.
22. Any redundant private pathway to the property must be removed, and verge area reinstated and landscaped to match the verge treatments.
23. Any damaged kerb and channel along the frontage of the site must be repaired to the reasonable satisfaction of Council's representative.

Site Access and Driveways

24. A sealed access driveway must be provided from Garnet Street 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 in accordance with IPWEAQ standard drawings R-049 and R-050 to grades prevent vehicles from scraping and/or bottoming whilst also allowing for compliant grades for the footpath and pedestrians movements along the footpath and the grassed verge without any step or trip hazard.

Car Parking

25. Car parking must be provided within the site generally as shown on the approved plans. The works must be undertaken in accordance with an Operational Works approval and must be in compliance with the provisions of AS/NZS 2890.1-2004 with allowance for standard vehicle to enter and leave the site in a forward gear and with a minimum head clearance (headroom) at any point of 2.2m.
26. 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.

Stormwater Drainage

27. The site must be provided with a stormwater drainage system connecting to a lawful point/s of discharge in Garnet Street and/or Wattle Street. The works must be undertaken in accordance with an Operational Works approval in compliance with the relevant sections of Queensland Urban Drainage Manual and supported by a detailed stormwater drainage design prepared and certified by a suitably qualified and experienced Registered Professional Civil Engineer (RPEQ).
28. The development of the site must not worsen existing drainage conditions on other properties by diverting stormwater runoff or cause additional stormwater ponding on any other property.
29. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

Earthworks and Retaining Walls

30. All earthworks must be carried out in compliance with an Operational Works Development Permit.
31. All earthworks and associated batters/retaining walls must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

32. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: *Guidelines on Earthworks for Commercial and Residential Developments*, Council's codes and relevant government regulations and guidelines. Certification must be provided by an RPEQ and submitted to Council prior to the issue of the Certificate of Classification for the building.
33. The development works must not adversely impact on the stability of the subject site, any other property or private/ public structure and the long term health of the existing mango tree as shown on the landscape plan A14 Rev B.
34. Earthworks and development works carried out on site must not affect the structural integrity of any of the existing fences or structures that border the site. Fences that are affected shall be replaced prior to the Building Certifier issuing the Certificate of Classification.

Telecommunication Services

35. 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.

Carried.

6 132007.2446.03 REQUEST TO CHANGE AN EXISTING APPROVAL FOR MATERIAL CHANGE OF USE FOR VISITOR ACCOMMODATION TYPE 4 CONVENTIONAL (HOSTEL ACCOMMODATION) AT 102 AND 106 PACIFIC AVENUE SUNSHINE BEACH

Committee Recommendation

Moved: Cr Jurisevic

Seconded: Cr Pardon

That Council note the report by the Coordinator Planning to the General Committee Meeting dated 12 November 2018 regarding Application No. 132007.2446.03 to make a change to an existing approval for Material Change of Use for Visitor Accommodation Type 4 Conventional (Hostel Accommodation) - additional 21 beds situated at 102 and 106 Pacific Ave, Sunshine Beach and:

- A. Approve the change.
- B. Include the following additional conditions:

When Conditions must be Complied With

64. 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

65. 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
18101-01	P	Site Plan, <i>by PJ concepts and design</i>	09.07.2018
18101-02	P	Landscape Plan, <i>by PJ concepts and design</i>	09.07.2018
18101-03	P	Floor Plan – Lot 106, <i>by PJ concepts and design</i>	09.07.2018
18101-04	P	Elevations –Sheet 1, <i>by PJ concepts and design</i>	09.07.2018
		Noise barrier plan	

Nature and Extent of Approved Use

66. An additional 21 beds are approved for the Visitor Accommodation Type 4 – Conventional (visitor hostel). The total number of beds approved are 69 and one manager's unit.
67. The approved accommodation units must be used for short term visitors only. The approved units must not be occupied by persons for the purpose of permanent accommodation.
68. Amplified music must not be audible at the boundaries of the site between 10pm and 7am.

Landscaping

69. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval, the Planning Scheme Policy 3 Landscaping Plants and Guidelines for Sunshine Beach and must include in particular:
 - a. the works generally shown on the approved site plan including:
 - i. A minimum 1.0 metre wide landscaping strip along the northern side boundary of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items designed such that vegetated screening will be provided within 3 years of the plantings occurring.
 - ii. A minimum 2.0 metre wide landscaping strip along the full extent of the eastern boundary designed such that vegetated screening will be provided within 3 years of the plantings occurring.
 - iii. Vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage
 - iv. Provision of 1 street tree within the road reserve for every 8 metres of road frontage including landscaping to the crossover works
 - v. Trees on the northern boundary must be retained to provide visual screening of the development. Where civil works impact on the capacity to retain the tree, the tree may be removed and replaced with a tree of a minimum pot sized 100 litres.
70. 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.

Performance Bond

71. Security in the form of a cash bond or trading bank guarantee to the sum of **\$10,000** 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.

Water & Sewer Connections

72. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).

73. 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 the development site.

Building Appearance

74. 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.
75. 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.

Advertising Devices

76. Advertising devices must comply with the requirements of the Advertising Devices Code.
77. Construction signage, including that on hoardings, shade cloth and cranes but not including statutory safety signage, shall not exceed a total of 4m² to each of the site's street frontages.

Fencing and Walls

78. Any street fencing must be setback 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.
79. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

Clothes Drying Areas

80. Each rooming unit must be provided with access to an outdoor clothes line which is screened from public view.

Protection of Privacy

81. To ensure privacy is protected between adjoining properties, any window/s, deck or the like that overlooks or has the potential to overlook the private open space or habitable room windows of neighbouring properties must either:
- have a minimum window sill height or 1.5 metres above floor level
 - be fitted with translucent glazing
 - be fitted with a fixed external screen

Communal Recreation Areas

82. Communal recreation area/s must be provided as shown on the approved plans.

Amalgamation of Lots

83. Lot 164 on RP 94566 and Lot 163 on RP 897370 must be amalgamated prior to the commencement of use.

ENVIRONMENTAL HEALTH**Amenity**

84. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting, air-borne hazards, atmospheric pollutants (including dust or odours) nuisance or any other emissions in accordance with the nuisance provisions of the Environmental Protection Act 1994.

Noise Nuisance

85. Noise emission from mechanical equipment shall comply with the following requirements:
- a. Air-conditioning and Refrigeration
 - i. 7am to 10pm: Maximum background + 5dB(A)
 - ii. 10pm to 7am: Maximum background + 3dB(A)
 - b. Pumps
 - i. 7am to 7pm: Maximum background + 5dB(A)
 - ii. 7pm to 10pm: Maximum background + 3dB(A)
 - iii. 10pm to 7am: No audible noise.
86. Submission of written certification from a suitably qualified person confirming that the noise levels from all mechanical equipment comply when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment.
- The assessment and certification is required immediately after installation of the equipment and prior to any occupation of the building, and in a format approved by Council. All equipment should be operating at the same time to test the overall noise level created.
87. Entertainers or speakers used to amplify noise must not be located in any of the outdoor recreational areas.
88. Prior to the use of the building situated at 106 Pacific Avenue for the purpose of visitor accommodation noise barrier fencing must be erected in accordance with the approved *Noise barrier plan*.
89. Between the hours of 9pm to midnight the night manager must have the reception phone with them. From midnight the phone must be diverted to a security team response number.
90. The courtyard of the manager's unit situated at 106 Pacific Avenue must not be used between the hours of 9.00pm and 6.00am.
91. The pool and associated deck area must not be used between the hours of 9.00pm and 7.00am.

Outdoor Lighting Devices

92. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
93. Certification must be submitted to Council from a qualified person which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice at the time of commissioning.

For the purpose of certifying outdoor lighting devices for the development, a qualified person is:

- a. Registered Professional Engineer of Queensland;
- b. an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

WASTE

94. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and

Commercial and Industrial Premises". The facilities must include an external impervious area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. 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 must be designed to prevent storm water entry to the sewerage system. This can be achieved with a nib wall 50mm high and up to 700mm x 700mm wide (max 0.5m²), or alternatively the waste area can be roofed, or any other design approved by Council.

95. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.
96. Bins must be provided throughout the site to reduce littering. All bins provided must be for refuse and recycling and be decanted into the bulk bins by the site operators.

ENGINEERING

Site Access and Driveways

97. A sealed access driveway must be provided from Pacific Avenue to all parking and manoeuvring areas of the development. The new works proposed to access No 106 must be undertaken in accordance with an Operational Works approval and must include in particular:
 - a. a driveway crossover generally in accordance with Council's Standard Drawings RS-051 and the associated addendum
 - b. the works must match neatly with existing road and verge/footpath features. Additional works beyond the driveway may be required to provide an acceptable transition to existing road and verge/footpath profiles

Car Parking

98. A minimum of an additional 2 car parking spaces must be provided and marked on the site. The works must include dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities for the relevant user class
99. 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.
100. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

Pedestrian and Bicycle Facilities

101. 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 in particular the replacement of the existing bitumen sealed path in the frontage of No. 106 Pacific Avenue with a concrete path and must extend to the existing driveway in the frontage of 108 Pacific Avenue. The new path must be the same width as the existing path.

Stormwater Drainage

102. Stormwater runoff from the development must be connected to the existing stormwater drainage systems within the sites.

Damage to Services and Assets

103. 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.

- C. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

Carried.

7 FINANCIAL PERFORMANCE REPORT - OCTOBER 2018

Committee Recommendation

Moved: Cr Stockwell

Seconded: Cr Glasgow

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 12 November 2018 outlining October 2018 year to date financial performance against budget.

Carried.

8 BUDGET REVIEW 2 (BR2) FOR THE 2018/19 FINANCIAL YEAR

Committee Recommendation

Moved: Cr Glasgow

Seconded: Cr Pardon

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 12 November 2018 and approve the proposed changes to the budget for the 2018/19 financial year as outlined in the Revised Budget Financial Statements attached to the report.

Carried.

Recommendation

The General Committee recommendations dated 12 November 2018 be adopted except where dealt with or held over by separate resolution.

7 ORDINARY MEETING REPORTS**1 FURTHER REPORT MCU18/0102 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE VISITOR ACCOMMODATION TYPE 4 (122 BEDS), 14–16 MARY STREET, NOOSAVILLE**

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

Index **ECM/Application/MCU18/0102**

Attachments **Nil**

RECOMMENDATION

That Council note report by the Development Planner to the Planning and Environment Committee dated 6 November 2018 and the further report to the Ordinary Meeting dated 15 November 2018 regarding Application No. MCU18/0102 for a Development Permit for Material Change of Use for Visitor Accommodation - Type 4 Conventional (122 beds) situated at 14–16 Mary Street, Noosaville and

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

PLANNING**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 unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
A.01	B	Site Plan, <i>by Zest Building Design</i>	31.07.2018
A.02	B	Basement Floor Plan, <i>by Zest Building Design</i>	31.07.2018
A.04	B	Floor Plan – Level 2, <i>by Zest Building Design</i>	31.07.2018
A.05		Dimensional Plan – Level 1, <i>by Zest Building Design</i>	
A.06		Dimensional Plan – Level 2, <i>by Zest Building Design</i>	
A.07	B	Elevations, <i>by Zest Building Design</i>	31.07.2018
A.08	B	Elevations, <i>by Zest Building Design</i>	31.07.2018
A.09	B	Building Sections, <i>by Zest Building Design</i>	31.07.2018
A.015	A	Roof Plan, <i>by Zest Building Design</i>	31.07.2018

3. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
 - a. The southern pavilion must be reduced in height so that the main entry roof does not exceed 8.80 metres above both finished and natural ground levels.

- b. With the exception of the main entry roof of the southern pavilion the maximum height of the development must not exceed 8.40 metres above finished and natural ground level.
- c. A minimum 600mm eaves must be provided to the full extent of all buildings.
- d. The northern elevation must include variation of colours and materials to provided increased articulation.
- e. The length of the 2.0 metre acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary. All acoustic fencing must be constructed to a minimum of 10kg/m².
- f. Windows to guest rooms on the upper level of the western and northern elevations must achieve minimum acoustic rating Rw 32 and the rooms must be provided with airconditioning/mechanical ventilation to allow internal amenity to be maintained whilst windows are closed to contain noise.
- g. All buildings must have a roof pitch of at least 5 degrees.
- h. No retaining walls or planter beds are to be constructed in the road reserve.

**(Refer to Advisory Note)*

Nature and Extent of Approved Use

4. 122 beds are approved for the Visitor Accommodation Type 4 – Conventional (visitor hostel). The approved Gross Floor Area is 1084m². No pavilion may exceed 300m² of Gross Floor Area.
5. The approved accommodation units must be used for short term visitors only. The approved units must not be occupied by persons for the purpose of permanent accommodation.
6. The café must not operate outside the hours of 7am to 9pm.
7. Use of the pool/sundeck area must not occur outside of the hours of 7am to 9pm.
8. The café, pool and sundeck must only be available for the residents of the visitor accommodation use and must not permitted for use by persons not staying in the visitor hostel.
9. Service vehicle movements 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 Sunday or public holidays.
10. Amplified music must not be audible at or beyond the boundaries of the site between 10pm and 7am.
11. A receptionist/manager must be on-site at all times.

Building Height

12. The maximum height of the southern pavilion must not exceed 8.80 metres above the finished ground level and the natural ground level. All other pavilions must not exceed 8.40 metres above the finished ground level and the natural ground level.
13. 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.

Landscaping

14. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval, the Planning Scheme Policy 3 Landscaping Plants and Guidelines for that specific area and must include in particular:

- a. the works shown on the approved site plan.
 - b. a minimum 2.0 metre wide landscaping strip along the Mary Street road frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items.
 - c. A minimum 1.5 metre wide landscaping strip along the full extent of the eastern and western boundaries.
 - d. a 3.0 metre wide vegetated screening of northern elevation of the northern pavilion from the adjoining properties in Anne Street, designed such that vegetated screening will be provided within 3 years of the plantings occurring.
 - e. vegetated screening of the acoustic barrier adjacent to the western boundary in accordance with the conditions of this Decision Notice
 - f. vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage
 - g. provision of 1 street tree within the road reserve for every 8 metres of road frontage
15. 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.

Performance Bond

16. Security in the form of a cash bond or trading bank guarantee to the sum of **\$20,000** 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.

Street Identification

17. 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.
18. The building entrance or reception area must be clearly visible and identifiable from the street or otherwise provided with signage and lighting at strategic locations to direct people to the building entrance.

Water & Sewer Connections

19. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
20. 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 the development site.

Building Appearance

21. 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.

22. 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.

Advertising Devices

23. Advertising devices must comply with the requirements of the Advertising Devices Code.
24. Construction signage, including that on hoardings, shade cloth and cranes but not including statutory safety signage, shall not exceed a total of 4m² to each of the site's street frontages.

Fencing and Walls

25. Any street fencing must be setback an average of 1 metre from the front property boundary. Any fencing on the front boundary must either:
 - a. not exceed a maximum height of 1.2m
 - b. be of open construction.
26. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

Clothes Drying Areas

27. Each rooming unit must be provided with access to an outdoor clothes line which is screened from public view.

Protection of Privacy

28. To ensure privacy is protected between adjoining properties, any window/s, deck or the like that overlooks or has the potential to overlook the private open space or habitable room windows of neighbouring properties must either:
 - a. have a minimum window sill height of 1.5 metres above floor level
 - b. be fitted with translucent glazing
 - c. be fitted with a fixed external screen

Communal Recreation Areas

29. Communal recreation area/s must be provided as shown on the approved plans.

Amalgamation of Lots

30. Lots 3 and 4 on RP 122928 must be amalgamated prior to the commencement of use.

ENVIRONMENTAL HEALTH

Amenity

31. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting, air-borne hazards, atmospheric pollutants (including dust or odours) nuisance or any other emissions in accordance with the nuisance provisions of the Environmental Protection Act 1994.

Noise Nuisance

32. Noise emission from mechanical equipment shall comply with the following requirements:
 - a. Air-conditioning and Refrigeration
 - i. 7am to 10pm: Maximum background + 5dB(A)
 - ii. 10pm to 7am: Maximum background + 3dB(A)

- b. Pumps
 - i. 7am to 7pm: Maximum background + 5dB(A)
 - ii. 7pm to 10pm: Maximum background + 3dB(A)
 - iii. 10pm to 7am: No audible noise.
- 33. Air conditioning units and swimming pool filtration plant shall be located within the undercover carpark.
- 34. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 "The use of ventilation and air-conditioning in buildings" (specifically Section 5.10 – Air Discharges).
- 35. Submission of written certification from a suitably qualified person confirming that the noise levels from all mechanical equipment comply when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment.

The assessment and certification is required immediately after installation of the equipment and prior to any occupation of the building, and in a format approved by Council. All equipment should be operating at the same time to test the overall noise level created.
- 36. Entertainers or speakers used to amplify noise must not be located in any outdoor area of the site including recreational areas (pool, space sundeck, and sun lounges, multi-purpose/flexible lounge/outside deck).

Outdoor Lighting Devices

- 37. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
- 38. Certification must be submitted to Council from a qualified person which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice at the time of commissioning.

For the purpose of certifying outdoor lighting devices for the development, a qualified person is:

- a. Registered Professional Engineer of Queensland;
- b. an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

Building Demolition/Removal/Relocation

- 39. Where the development involves the removal, relocation or demolition of a building, a Waste Management Plan (construction and demolition) in accordance with Planning Scheme Policy 11, Waste Management Plans must 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 storage areas must provide adequate separation of all reusable, recyclable and waste materials. These must be located so that they are convenient and safe to use.

The Plan must 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

- 40. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises". The facilities must include an external impervious area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. 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 must be designed to prevent storm water entry to the sewerage system. This can be achieved with a nib wall 50mm high and up to 700mm x 700mm wide (max 0.5m²) , or alternatively the waste area can be roofed, or any other design approved by Council.
- 41. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.
- 42. Bins must be provided throughout the site to reduce littering. All bins provided must be for refuse and recycling and be decanted into the bulk bins by the site operators.

ENGINEERING

Site Specific Conditions

- 43. The proposed flood barrier must be of a design that is activated by the rising flood levels and the associated hydraulic differential to raise and lower the barrier. The barrier must not require a power supply or human intervention. The barrier must be maintained by the property owner in accordance with the manufacturer’s specifications. The works must be undertaken in accordance with an Operational Works approval and must include in particular:

- a. Certification from a Registered Professional Engineer of Queensland (RPEQ) that states that the design of the barrier is suitable for its intended use.
44. The development must include an internal stairwell connecting the basement level to the upper floor. The stairwell must be located and constructed to provide an escape route for people to evacuate the basement in the event the barrier and/or pump system fails. Plans submitted as part of any subsequent operational works and building permit must clearly indicate the stairwell.

External Works

45. Mary Street must be upgraded for the length of its frontage to the subject site. The works must be generally in accordance with drawing number 17699-SK100 Revision A prepared by TOD Engineers and Project Managers dated 17 August 2018. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- a. construction of new kerb and channelling offset 7.5m (3.5m lane and 4m of cycle lane/parallel parking) from the northern side of the existing landscaped median;
 - b. suitable transitions from the new kerb line to join with the existing kerb at the western and eastern end;
 - c. landscaping of the verge area;
 - d. construction of a pedestrian footpath in accordance with the conditions of this Decision Notice;
 - e. removal of the existing property accesses and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and turf where the existing verge is grassed.

Condition 45 is imposed pursuant to s145 of the *Planning Act 2016* being non-trunk infrastructure.

Site Access and Driveways

46. A sealed access driveway must be provided from Mary Street 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 Number RS-051 and any associated addendum.
 - b. suitable safety measures, including warning signage, to improve driver awareness of the flood barrier, service vehicles and pedestrians and to enhance driver and pedestrian safety. Warning signage must be provided near the exit ramp from the underground parking area and the guest/service area to warn motorists of pedestrian movement along the frontage street.

Car Parking

47. A minimum of 17 car parking spaces, inclusive of 1 courtesy bus space, must be provided 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. 13 customer parking spaces (including 4 scooter spaces) within the total, which are clearly marked for that purpose and accessible at all times for visitor use.
 - b. 3 staff parking spaces within the total, which are clearly marked for that purpose.

- c. 1 courtesy bus space within the total.
 - d. 2 disabled parking space/s within the total.
 - e. dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities.
 - f. Provision of 20 bicycle parking spaces.
48. 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.
49. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

Service Vehicles

50. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval.

Pedestrian and Bicycle Facilities

51. 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 in particular:
- a. a 2 metre wide footpath within the road verge for the entire length of the site's frontage to Mary Street.

Condition 51 is imposed pursuant to s128 of the *Planning Act 2016* being necessary trunk infrastructure identified by Council's LGIP to service the development.

Stormwater Drainage

52. 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 and must include in particular:
- a. the works shown on drawing number 17699-SK101 Revision A prepared by TOD Engineers and Project Managers dated 17 August 2018, with the inclusion of the following:
 - i. The storage tank must have sufficient capacity to cater for the runoff from the driveway in a 1%AEP rain event as a minimum.
 - ii. A back up power system for the pump that is independent of the mains network.

Acid Sulfate Soils

53. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works. The Acid Sulfate Soil and Groundwater Management Plan must specifically address how lowering of the groundwater level as a result of the works will be avoided.

*(Refer to Advisory Note)

54. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
- a. a pH range of 6.5-8.5 pH units
 - b. 50mg/L maximum total suspended solids concentration
 - c. 0.3mg/L maximum total iron concentration

- d. 0.2mg/L maximum total aluminium concentration
 - e. no visible plume at either the point of release from the site or within a waterway
55. The basement must be designed and constructed as a water excluding structure in accordance with Australian Standard AS3735 "Concrete Structures for Retaining Liquids" to ensure groundwater does not enter the basement after construction is completed.
56. All treated material must undergo verification testing at the rate of one sample per 250m³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person* using the SPOCAS or Chromium Reducible Sulphur testing suite, and the results must be submitted to Council for appraisal.

Electricity and Telecommunication Services

57. 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.
58. 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.

Earthworks and Retaining Walls

59. All earthworks 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.
60. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

Preparation of a Preliminary Construction Management Plan

61. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
- a. traffic management during all aspects of the construction phase including:
 - i. a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - ii. maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
 - iii. proposed fencing to the site during the construction phase of the development
 - iv. approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
 - v. provision for worker car parking
 - b. maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures

- c. works programme identifying key components of the works and their respective durations
- d. establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues
- e. identification of complaint management procedures including:
 - i. contact details for the on-site manager
 - ii. dispute resolution procedures
- f. details on the location of external fill/dump sites, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense
- g. it is acknowledged that the preliminary Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Damage to Services and Assets

62. 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. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
-

REPORT

A report on this application was considered by the Planning and Environment Committee on 6 November 2018 and referred to the General Committee dated 12 November 2018 where it was subsequently deferred for consideration to the Ordinary Meeting on 15 November 2018 for further discussion.

The recommendation from the 12 November 2018 General Committee Meeting is as follows:

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 6 November 2018 regarding Application No. MCU18/0102 for a Development Permit for Material Change of Use - Visitor Accommodation - Type 4 Conventional (122 beds) situated at 14-16 Mary Street Noosaville and defer consideration of the matter to the Ordinary Meeting dated 15 November to allow staff to bring forward a further report with amended conditions of approval to include conditions which approve the height of the building as proposed by the applicant, allow operation of the internal pool and café area until 10pm at night, that condition the operation to install a sound monitoring system and 24hr onsite management to maintain statutory requirements in terms of noise nuisance and allow Council the opportunity to review compliance of that noise condition in 12 months, and reduce the extent of acoustic fencing.

A peer review of the applicant's original acoustic report was undertaken after the Planning and Environment Meeting on 6 November 2018. Due to the timing of this review the additional information subsequently provided by the applicant was not considered.

The peer review noted that that no assessment was undertaken of guest noise associated with the café use, the drying court, the communal kitchen/lounge area, multi-purpose/flexible lounge and associated deck, outdoor grassed areas or the pedestrian walkways between buildings. Further to this, the applicant's acoustic report did not provide any hours of use associated with any of these uses, specifically the outdoor pool area or café use.

The peer review identified that the predicted noise levels proposed by the applicant's acoustic consultant were considered to potentially understate the potential noise generated in the pool/sundeck area. On this basis the peer reviewer recommended that a specific limit on hours of use of the pool/communal outdoor areas should be imposed.

It also identified that the requirement for windows to guest rooms on the upper level of the western and northern elevations be fixed and acoustically double glazed could be amended. The peer review acknowledged the preferred opportunity for guests to have access to natural airflow.

A number of minor wording changes were also recommended to improve the robustness of some conditions. The proposed wording is supported and the relevant conditions are recommended to be amended and have been incorporated in the officer recommendation in this report.

In response to the recommendation from the General Meeting dated 12 November a further peer review was requested with regards to additional acoustic information provided by the applicant. At the time of writing this report a written response had not been received due to the short timeframe, however a verbal conversation with the peer reviewer acoustic expert has occurred.

After the General Committee Meeting and during a discussion with Council's consultant acoustic expert it was advised that the acoustic fence should be maintained in its current form. The acoustic expert maintained that the applicant's assessment does not sufficiently identify all external noise sources. Furthermore, it was advised that noise from persons inside the building also required consideration including noise which would emit from the significant openings to the lounge and dining areas. The consultant advised that the acoustic fence be constructed to a standard of 10kg/m², this is considered to be a light acoustic fence which could be constructed of treated pine. It is recommended that the existing acoustic fence condition be amended to specify this standard.

The relevant conditions in the original officer report read as follows:

Approved plans

3. *Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works**
 - e. *The length of the acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary.*
 - f. *Windows to the upper level of the western and northern elevations must be fixed and acoustically double glazed.*

Nature and Extent of Use

6. *The café must not operate outside the hours of 7am to 7pm.*

7. Use of the pool/sundeck area must not occur outside of the hours of 7am to 7pm.
10. Amplified music must not be audible at the boundaries of the site between 10pm and 7am.

Noise Nuisance

35. Entertainers or speakers used to amplify noise must not be located in any outdoor recreational areas (pool, space sundeck, and sun lounges, multi-purpose/flexible lounge/outside deck).

Based on the peer review it is recommended that the conditions be amended as follows:

Approved plans

3. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
 - e. The length of the 2.0 metre high acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary. All acoustic fencing must be constructed to a minimum of 10kg/m².
 - f. Windows to guest rooms on the upper level of the western and northern elevations must achieve minimum acoustic rating Rw 32 and the rooms must be provided with airconditioning/mechanical ventilation to allow internal amenity to be maintained whilst windows are closed to contain noise. ~~be fixed and acoustically double glazed.~~

Nature and Extent of Use

6. The café must not operate outside the hours of 7am to ~~7pm~~9pm.
7. Use of the pool/sundeck area must not occur outside of the hours of 7am to ~~7pm~~9pm.
10. Amplified music must not be audible at ~~or beyond~~ the boundaries of the site between 10pm and 7am.

Noise Nuisance

35. Entertainers or speakers used to amplify noise must not be located in any ~~of the outdoor area of the site including~~ recreational areas (pool, space sundeck, and sun lounges, multi-purpose/flexible lounge/outside deck).

It is also recommended to include an additional condition to ensure the presence of receptionist/manager on site at all times. The inclusion of the condition will allow for guest behaviour which results in excessive noise to be addressed efficiently. It is recommended that the new condition read as follows:

11. A receptionist/manager must be on-site at all times.

The officer's recommendation has been amended to reflect the proposed new and amended conditions. The new condition requires the renumbering of conditions.

The General Committee Recommendations dated 12 November 2018 requested the preparation of amended conditions of approval to include conditions which approve the height of the building as proposed by the applicant, allow operation of the internal pool and café area until 10pm at night, that condition the operation to install a sound monitoring system and 24hr onsite management to maintain statutory requirements in terms of noise nuisance and allow Council the opportunity to review compliance of that noise condition in 12 months, and reduce the extent of acoustic fencing.

The following set of conditions are in response to the recommendation from the General Committee dated 12 November 2018. The request in the recommendations from General meeting dated 12 November regarding reducing the extent of the acoustic fencing does not provide adequate direction. The condition relating to the extent of the acoustic fence has therefore not been changed based on the original and subsequent advice of Council's consultant acoustic expert that extent of acoustic fencing is appropriate. Additional conditions 37 and 38 are included to address the requested requirement for noise monitoring which results in subsequent re-numbering of conditions.

The following original conditions require amendment to accord with the recommendation, additional conditions are also provided in relation to the 24hr onsite management and the sound monitoring system:

Approved Plans

3. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
 - a. The southern pavilion must be reduced in height so that the main entry roof does not exceed 8.80 metres above both finished and natural ground levels.
 - b. With the exception of the main entry roof of the southern pavilion the maximum height of the development must not exceed 8.40 metres above finished and natural ground level.
 - c. A minimum 600mm eaves must be provided to the full extent of all buildings.
 - d. The northern elevation must include variation of colours and materials to provided increased articulation.
 - e. The length of the acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary.
 - f. Windows to the upper level of the western and northern elevations must be fixed and acoustically double glazed.
 - g. All buildings must have a roof pitch of at least 5 degrees.
 - h. No retaining walls or planter beds are to be constructed in the road reserve.

Nature and Extent of Approved Use

6. The café must not operate outside the hours of 7am to 9pm.
7. Use of the pool/sundeck area must not occur outside of the hours of 7am to 9pm.

Building Height

11. The maximum height of the southern pavilion must not exceed 8.80 metres above the finished ground level and the natural ground level. All other pavilions must not exceed 8.40 metres above the finished ground level and the natural ground level

In response to the General Committee recommendation it is suggested that these conditions be amended and new conditions included as follows:

Approved Plans

3. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
 - a. ~~The southern pavilion must be reduced in height so that the main entry roof does not exceed 8.80 metres above both finished and natural ground levels.~~
 - b. ~~With the exception of the main entry roof of the southern pavilion the maximum height of the development must not exceed 8.40 metres above finished and natural ground level.~~
 - a. A minimum 600mm eaves must be provided to the full extent of all buildings.
 - b. The northern elevation must include variation of colours and materials to provided increased articulation.
 - c. The length of the acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary.
 - d. Windows to the upper level of the western and northern elevations must be fixed and acoustically double glazed.
 - e. All buildings must have a roof pitch of at least 5 degrees.
 - f. No retaining walls or planter beds are to be constructed in the road reserve.

Nature and Extent of Approved Use

6. ~~The café must not operate outside the hours of 7am to 7pm.~~ For the first 12 months of operation the café must not operate outside the hours of 7am to 10pm. The approved hours will expire at this time unless a written request is received by Council for the purpose of obtaining consent to extend the period of approval. In assessing a request Council will have regard to the noise monitoring results, any complaints and any other relevant matters. The results of the noise monitoring referred to in this Decision Notice must be submitted as part of the written request.
7. ~~Use of the pool/sundeck area must not occur outside of the hours of 7am to 7pm.~~ For the first 12 months of operation the use of the pool/sundeck area must not occur outside of the hours of 7am to 10pm. The approved hours will expire at this time unless a written request is received by Council for the purpose of obtaining consent to extend the period of approval. In assessing a request Council will have regard to the noise monitoring results, any complaints and any other relevant matters. The results of the noise monitoring referred to in this Decision Notice must be submitted as part of the written request.
11. A receptionist/manager must be on-site at all times.

Building Height

12. ~~The maximum height of the southern pavilion must not exceed 8.8 metres~~ 9.50 metres above the finished ground level and the natural ground level. ~~All other pavilions must not exceed 8.40 metres above the finished ground level and the natural ground level.~~

Noise Nuisance

37. ~~A noise monitoring system must be installed which measures noise levels at the boundary adjacent to the nearest residential zoned land.~~
38. ~~The on-site receptionist/manager must respond and terminate the relevant noise source should the noise levels exceed:~~

- i. 7am to 6pm = 46 dB(A) LAeq,adj,T;
- ii. 6pm to 10pm = 40 dB(A) LAeq,adj,T;
- iii. 10.00pm to 7.00am = 35 dB(A) LAeq,adj,T

Based on the requested changes detailed above the following set of conditions are provided in response to the General Committee recommendation. The following changes which were recommended by Council's consultant acoustic expert as a result of the peer review are not included as they did not form part of the recommendation:

- Conditions recommended by the Council's consultant acoustic expert to improve the wording of conditions 3c, 10 and 36;
- The amendment to condition 3d to remove the requirement for the upper level windows on the western and northern elevation to be fixed and acoustically double glazed; and
- Include the acoustic fence rating at condition 3e.

Conditions responding to the General Committee Recommendations dated 12 November:

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 unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
A.01	B	Site Plan, <i>by Zest Building Design</i>	31.07.2018
A.02	B	Basement Floor Plan, <i>by Zest Building Design</i>	31.07.2018
A.04	B	Floor Plan – Level 2, <i>by Zest Building Design</i>	31.07.2018
A.05		Dimensional Plan – Level 1, <i>by Zest Building Design</i>	
A.06		Dimensional Plan – Level 2, <i>by Zest Building Design</i>	
A.07	B	Elevations, <i>by Zest Building Design</i>	31.07.2018
A.08	B	Elevations, <i>by Zest Building Design</i>	31.07.2018
A.09	B	Building Sections, <i>by Zest Building Design</i>	31.07.2018
A.015	A	Roof Plan, <i>by Zest Building Design</i>	31.07.2018

3. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*
 - a. A minimum 600mm eaves must be provided to the full extent of all buildings.
 - b. The northern elevation must include variation of colours and materials to provided increased articulation.
 - c. The length of the 2.0 metre acoustic fence on the western boundary must be extended for the full length of the western boundary. A 2.0 metre high acoustic fence must be installed for the full length of the northern boundary.
 - d. Windows to guest rooms on the upper level of the western and northern elevations must achieve minimum acoustic rating Rw 32 and the rooms must be provided with airconditioning/mechanical ventilation to allow internal amenity to be maintained whilst windows are closed to contain noise.
 - e. All buildings must have a roof pitch of at least 5 degrees.

- f. No retaining walls or planter beds are to be constructed in the road reserve.

**(Refer to Advisory Note)*

Nature and Extent of Approved Use

4. 122 beds are approved for the Visitor Accommodation Type 4 – Conventional (visitor hostel). The approved Gross Floor Area is 1084m². No pavilion may exceed 300m² of Gross Floor Area.
5. The approved accommodation units must be used for short term visitors only. The approved units must not be occupied by persons for the purpose of permanent accommodation.
6. For the first 12 months of operation the café must not operate outside the hours of 7am to 10pm. The approved hours will expire at this time unless a written request is received by Council for the purpose of obtaining consent to extend the period of approval. In assessing a request Council will have regard to the noise monitoring results, any complaints and any other relevant matters. The results of the noise monitoring referred to in this Decision Notice must be submitted as part of the written request.
7. For the first 12 months of operation the use of the pool/sundeck area must not occur outside of the hours of 7am to 10pm. The approved hours will expire at this time unless a written request is received by Council for the purpose of obtaining consent to extend the period of approval. In assessing a request Council will have regard to the noise monitoring results, any complaints and any other relevant matters. The results of the noise monitoring referred to in this Decision Notice must be submitted as part of the written request.
8. The café, pool and sundeck must only be available for the residents of the visitor accommodation use and must not be permitted for use by persons not staying in the visitor hostel.
9. Service vehicle movements 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 Sunday or public holidays.
10. Amplified music must not be audible at the boundaries of the site between 10pm and 7am.
11. A receptionist/manager must be on-site at all times.

Building Height

12. The maximum height of the southern pavilion must not exceed 9.50 metres above the finished ground level and the natural ground level.
13. 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.

Landscaping

14. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval, the Planning Scheme Policy 3 Landscaping Plants and Guidelines for that specific area and must include in particular:
 - a. the works shown on the approved site plan.
 - b. a minimum 2.0 metre wide landscaping strip along the Mary Street road frontage of the subject site, exclusive of the access driveway, generally uncompromised by infrastructure items.
 - c. A minimum 1.5 metre wide landscaping strip along the full extent of the eastern and western boundaries.

- d. a 3.0 metre wide vegetated screening of northern elevation of the northern pavilion from the adjoining properties in Anne Street, designed such that vegetated screening will be provided within 3 years of the plantings occurring.
 - e. vegetated screening of the acoustic barrier adjacent to the western boundary in accordance with the conditions of this Decision Notice
 - f. vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage
 - g. provision of 1 street tree within the road reserve for every 8 metres of road frontage
15. 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.

Performance Bond

16. Security in the form of a cash bond or trading bank guarantee to the sum of **\$20,000** 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.

Street Identification

17. 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.
18. The building entrance or reception area must be clearly visible and identifiable from the street or otherwise provided with signage and lighting at strategic locations to direct people to the building entrance.

Water & Sewer Connections

19. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor–Retailer Authority (Unitywater).
20. 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 the development site.

Building Appearance

21. 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.
22. 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.

Advertising Devices

23. Advertising devices must comply with the requirements of the Advertising Devices Code.

24. Construction signage, including that on hoardings, shade cloth and cranes but not including statutory safety signage, shall not exceed a total of 4m² to each of the site's street frontages.

Fencing and Walls

25. Any street fencing must be setback 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.
26. The area of land between the fence and the front property boundary must be densely landscaped to screen any fencing from the street.

Clothes Drying Areas

27. Each rooming unit must be provided with access to an outdoor clothes line which is screened from public view.

Protection of Privacy

28. To ensure privacy is protected between adjoining properties, any window/s, deck or the like that overlooks or has the potential to overlook the private open space or habitable room windows of neighbouring properties must either:
- have a minimum window sill height of 1.5 metres above floor level
 - be fitted with translucent glazing
 - be fitted with a fixed external screen

Communal Recreation Areas

29. Communal recreation area/s must be provided as shown on the approved plans.

Amalgamation of Lots

30. Lots 3 and 4 on RP 122928 must be amalgamated prior to the commencement of use.

ENVIRONMENTAL HEALTH**Amenity**

31. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting, air-borne hazards, atmospheric pollutants (including dust or odours) nuisance or any other emissions in accordance with the nuisance provisions of the Environmental Protection Act 1994.

Noise Nuisance

32. Noise emission from mechanical equipment shall comply with the following requirements:
- Air-conditioning and Refrigeration
 - 7am to 10pm: Maximum background + 5dB(A)
 - 10pm to 7am: Maximum background + 3dB(A)
 - Pumps
 - 7am to 7pm: Maximum background + 5dB(A)
 - 7pm to 10pm: Maximum background + 3dB(A)
 - 10pm to 7am: No audible noise.
33. Air conditioning units and swimming pool filtration plant shall be located within the undercover carpark.

34. Kitchen exhaust points for the development must be located and operated in accordance with Australian Standard AS1668.2-2002 "The use of ventilation and air-conditioning in buildings" (specifically Section 5.10 – Air Discharges).
35. Submission of written certification from a suitably qualified person confirming that the noise levels from all mechanical equipment comply when measured at either the residential boundary or outside the most exposed part of an affected building, whichever is the closest to the equipment.
- The assessment and certification is required immediately after installation of the equipment and prior to any occupation of the building, and in a format approved by Council. All equipment should be operating at the same time to test the overall noise level created.
36. Entertainers or speakers used to amplify noise must not be located in of the recreational areas (pool, space sundeck, and sun lounges, multi-purpose/flexible lounge/outside deck).
37. A noise monitoring system must be installed which measures noise levels at the boundary adjacent to the nearest residential zoned land.
38. The on-site receptionist/manager must respond and terminate the relevant noise source should the noise levels exceed:
- i. 7am to 6pm = 46 dB(A) LAeq,adj,T;
 - ii. 6pm to 10pm = 40 dB(A) LAeq,adj,T;
 - iii. 10.00pm to 7.00am = 35 dB(A) LAeq,adj,T

Outdoor Lighting Devices

39. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
40. Certification must be submitted to Council from a qualified person which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice at the time of commissioning.
- For the purpose of certifying outdoor lighting devices for the development, a qualified person is:
- a. Registered Professional Engineer of Queensland;
 - b. an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.

Building Demolition/Removal/Relocation

41. Where the development involves the removal, relocation or demolition of a building, a Waste Management Plan (construction and demolition) in accordance with Planning Scheme Policy 11, Waste Management Plans must 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 storage areas must provide adequate separation of all reusable, recyclable and waste materials. These must be located so that they are convenient and safe to use.

The Plan must 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

- 42. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy No. 9 "Waste Management Multi-Dwellings and Commercial and Industrial Premises". The facilities must include an external impervious area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. 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 must be designed to prevent storm water entry to the sewerage system. This can be achieved with a nib wall 50mm high and up to 700mm x 700mm wide (max 0.5m²) , or alternatively the waste area can be roofed, or any other design approved by Council.
- 43. Refuse containers must be provided in accordance with the requirements of the Environmental Protection (Interim Waste) Regulation 1996 and (Waste Management) Regulation 2000, for the storage and collection of refuse.
- 44. Bins must be provided throughout the site to reduce littering. All bins provided must be for refuse and recycling and be decanted into the bulk bins by the site operators.

ENGINEERING

Site Specific Conditions

- 45. The proposed flood barrier must be of a design that is activated by the rising flood levels and the associated hydraulic differential to raise and lower the barrier. The barrier must not require a power supply or human intervention. The barrier must be maintained by the property owner in accordance with the manufacturer’s specifications. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - a. Certification from a Registered Professional Engineer of Queensland (RPEQ) that states that the design of the barrier is suitable for its intended use.

46. The development must include an internal stairwell connecting the basement level to the upper floor. The stairwell must be located and constructed to provide an escape route for people to evacuate the basement in the event the barrier and/or pump system fails. Plans submitted as part of any subsequent operational works and building permit must clearly indicate the stairwell.

External Works

47. Mary Street must be upgraded for the length of its frontage to the subject site. The works must be generally in accordance with drawing number 17699-SK100 Revision A prepared by TOD Engineers and Project Managers dated 17 August 2018. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- a. construction of new kerb and channelling offset 7.5m (3.5m lane and 4m of cycle lane/parallel parking) from the northern side of the existing landscaped median;
 - b. suitable transitions from the new kerb line to join with the existing kerb at the western and eastern end;
 - c. landscaping of the verge area;
 - d. construction of a pedestrian footpath in accordance with the conditions of this Decision Notice;
 - e. removal of the existing property accesses and reinstatement of the kerb, footpath and verge area to match the balance of the site frontage, including the provision of topsoil and turf where the existing verge is grassed.

Condition 47 is imposed pursuant to s145 of the *Planning Act 2016* being non-trunk infrastructure.

Site Access and Driveways

48. A sealed access driveway must be provided from Mary Street 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 Number RS-051 and any associated addendum.
 - b. suitable safety measures, including warning signage, to improve driver awareness of the flood barrier, service vehicles and pedestrians and to enhance driver and pedestrian safety. Warning signage must be provided near the exit ramp from the underground parking area and the guest/service area to warn motorists of pedestrian movement along the frontage street.

Car Parking

49. A minimum of 17 car parking spaces, inclusive of 1 courtesy bus space, must be provided 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. 13 customer parking spaces (including 4 scooter spaces) within the total, which are clearly marked for that purpose and accessible at all times for visitor use.
 - b. 3 staff parking spaces within the total, which are clearly marked for that purpose.
 - c. 1 courtesy bus space within the total.
 - d. 2 disabled parking space/s within the total.
 - e. dimensions, crossfalls and gradients in accordance with Australian Standard AS2890: Parking Facilities.

- f. Provision of 20 bicycle parking spaces.
- 50. 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.
- 51. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

Service Vehicles

- 52. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval.

Pedestrian and Bicycle Facilities

- 53. 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 in particular:
 - a. a 2 metre wide footpath within the road verge for the entire length of the site's frontage to Mary Street.

Condition 53 is imposed pursuant to s128 of the *Planning Act 2016* being necessary trunk infrastructure identified by Council's LGIP to service the development.

Stormwater Drainage

- 54. 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 and must include in particular:
 - a. the works shown on drawing number 17699-SK101 Revision A prepared by TOD Engineers and Project Managers dated 17 August 2018, with the inclusion of the following:
 - i. The storage tank must have sufficient capacity to cater for the runoff from the driveway in a 1%AEP rain event as a minimum.
 - ii. A back up power system for the pump that is independent of the mains network.

Acid Sulfate Soils

- 55. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan for the development prepared by a qualified person* and referenced in a Development Permit for Operational Works. The Acid Sulfate Soil and Groundwater Management Plan must specifically address how lowering of the groundwater level as a result of the works will be avoided.

*(Refer to Advisory Note)

- 56. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
 - a. a pH range of 6.5-8.5 pH units
 - b. 50mg/L maximum total suspended solids concentration
 - c. 0.3mg/L maximum total iron concentration
 - d. 0.2mg/L maximum total aluminium concentration
 - e. no visible plume at either the point of release from the site or within a waterway

57. The basement must be designed and constructed as a water excluding structure in accordance with Australian Standard AS3735 "Concrete Structures for Retaining Liquids" to ensure groundwater does not enter the basement after construction is completed.
58. All treated material must undergo verification testing at the rate of one sample per 250m³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person* using the SPOCAS or Chromium Reducible Sulphur testing suite, and the results must be submitted to Council for appraisal.

Electricity and Telecommunication Services

59. 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.
60. 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.

Earthworks and Retaining Walls

61. All earthworks 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.
62. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by an RPEQ where exceeding 1.0m in height. All retaining walls that are publicly accessible and exceed 1.0m in height must be fitted with a commercial grade safety fence.

Preparation of a Preliminary Construction Management Plan

63. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
 - a. traffic management during all aspects of the construction phase including:
 - i. a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - ii. maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
 - iii. proposed fencing to the site during the construction phase of the development
 - iv. approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
 - v. provision for worker car parking
 - b. maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - c. works programme identifying key components of the works and their respective durations
 - d. establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues
 - e. identification of complaint management procedures including:

- i. contact details for the on-site manager
- ii. dispute resolution procedures
- f. details on the location of external fill/dump sites, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant’s expense
- g. it is acknowledged that the preliminary Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Damage to Services and Assets

64. 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.

CONCLUSION

A peer review of the applicant’s acoustic report was provided after the 6 November Planning and Environment Committee. Furthermore, an additional review by Council’s consultant acoustic expert regarding additional acoustic information submitted by the applicant was requested after the 12 November General Committee Meeting. At the time of writing this report a written response for the second review had not been provided however a discussion was held between the Coordinator Planning and the consultant acoustic expert. As a result of the peer review and discussion the officer’s recommendation has been amended. An additional set of conditions have also been prepared in response to the recommendation of the 12 November General Committee Meeting at Council’s request. These conditions do not include the changes recommended by Council’s consultant acoustic expert which were not included in the recommendation.

Departments/Sections Consulted:

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

8 CONFIDENTIAL SESSION

9 NEXT MEETING

The next Ordinary Meeting will be held on 20 December 2018 at Council Chambers, 9 Pelican Street, Tewanin commencing at 6pm.

10 MEETING CLOSURE