



Form 6 – Negotiated Decision Notice

INTEGRATED PLANNING ACT 1997, S3.5.15, IDAS DEVELOPMENT APPLICATION

File No: 2006/1793

Date of Decision: 1 November 2007

1. APPLICANT DETAILS

Name: Terrence G Brown

Postal address: CARE Jones Flint & Pike Pty Ltd
PO Box 6
MAROOCHYDORE QLD 4558

Phone no: 07 5443 2500

Fax no: 07 5479 4162

2. PROPERTY DESCRIPTION

Street address: Eenie Creek Road Noosaville

Real property description: Lot 2 RP 842149

3. OWNER DETAILS

Name: Terrence G Brown

Postal address: PO Box 61
TEWANTIN QLD 4565

4. REFERRAL AGENCIES

Referral Agency	Address	Basis
Department of Natural Resources & Water	Locked Bag 383 Gympie Qld 4570	Concurrence
Department of Natural Resources & Mines	PO Box 573 Nambour Qld 4560	Advice
Environmental Protection Agency	GPO Box 2771 Brisbane Qld 4001	Concurrence
Queensland Transport	GPO Box 213 Brisbane Qld 4001	Concurrence

5. APPLICATION TYPE

Development	Development Details	Preliminary Approval	Development Permit
Material Change of Use	96 Detached Houses	No	Yes
Reconfiguration of a Lot	96 lots and 2 Park lots	No	Yes

6. DECISION DETAILS

Council on 9 August 2007 decided to approve the application and grant a Development Permit, subject to conditions.

In relation to representations made by the applicant Council on 1 November 2007 decided to:

- A. Agree to amend Conditions 5, 6, 9, 42, 43.1, 44, 51 and 84

- B. Agree to delete Condition 53.
- C. Refuse to Change/Delete Conditions 54 and 67 for the following reasons:-

Condition 54

This development is a significant generator of potential pedestrian and cyclist movements and the pathways requested are on desire lines that will service this development and are required to connect it to Council's major cycle network. The Integrated Planning Act supports the imposition of this condition on development and should be applied. The scale of the development makes this condition reasonable and relevant.

Condition 67

Whilst condition 65 ensures that there is no worsening of the rate of discharge for a Q100 event, the capacity of the downstream systems is an unknown and this development must not have an adverse impact on downstream properties or their serviceability. By requiring an analysis of the existing drainage system including pipe and overland flowpaths the applicant may find that they need more detention on site to allow the downstream system to function appropriately. Condition 65 states the minimum detention requirement but does not mean that more detention may be required or that the downstream system may have to be upgraded to ensure that this development has no adverse impacts on downstream properties.

- D. Issue a Negotiated Decision Notice.

7. APPLICABLE CODES

The developer must comply with the following codes for self-assessable development related to the development approved under this Development Permit:-

Detached House Driveways Code.

8. SUBMISSIONS

149 properly made submission and 1 petition. See attached list.

9. CONDITIONS

The approval is subject to conditions. Noosa Council's conditions are attached. Conditions from Queensland Transport, as a concurrence agency are also attached.

10. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of Development Permit required	Subject of the required Development Permit
Development Permit for Building Works	All Building Works
Development Permit for Operational Works	Landscaping, carparking and access, frontage works, stormwater drainage, filling of the site, site civil works, roadworks, sewer reticulation including new mains, relocations, diversions, pump stations and rising mains, water reticulation, excavation of materials to fill another site, erosion and sediment control

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. ASSESSMENT MANAGER

Name: Noosa Council

Signature:

Date: 5 November 2007

DECISION NOTICE HISTORY

- *Original Decision Notice 9 August 2007.*
- ***Negotiated Decision Notice with amendment to Conditions 5, 6, 9, 42, 43.1, 44, 51 & 84 and deletion of condition 53 on 1 November 2007 .***



Noosa Council Conditions

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

Land Use

Detached Houses

1. Detached Houses shall comply with the Detached House Code of The Noosa Plan.

Acoustic Requirements

2. An acoustic buffer shall be provided adjacent to Eenie Creek Road on site and extended for a minimum of 50 metres along the site's western and eastern boundaries. This buffer shall comprise a 2.5 metre high mound and 2 metre high acoustic fence along Eenie Creek Road and a 4.5 metre high acoustic fence adjacent lots 13, 14, 66 & 67 and shall be designed to comply with Probable Solution 29.2 of the Reconfiguring a Lot Code for single storey detached houses. The acoustic fence shall also function as a fauna fence to minimise faunal access to Eenie Creek Road.
3. The acoustic fence shall be constructed on the rear property boundaries of the relevant lots, with a contribution of \$15,000 payable to Council for maintenance purposes. This amount is subject to variations in the Consumer Price Index, All Groups Brisbane from March 2007 until the date of payment.
4. A noise assessment report prepared by an independent acoustic engineer shall be submitted to Council after construction of the acoustic buffer to Eenie Creek Road. The report is to indicate whether the buffer achieves the acoustic requirements of this development approval for single storey dwelling houses and advise of any other remedial actions that may need to be implemented. The developer shall implement all identified remedial actions to the reasonable satisfaction of the Manager Land Use.
5. Two storey detached houses on lots 13-22, 37-43, 53-58 and 63-66 shall be acoustically designed to ensure road noise does not exceed $63dB(A)L_{10(18hours)}$ based on predicted traffic volumes ten years hence. An acoustic report prepared by a suitably qualified consultant shall be lodged with an application for Building Works identifying suitable noise mitigation measures for the detached house. All recommended mitigation measures for the 2 storey detached house shall be installed prior to occupation.

Environmental Covenant

6. An Environmental Covenant shall be registered in favour of Council over the rear 5 metres of lots 14-22, 37-43, 53-58 and 63-66 to provide a vegetated buffer to Eenie Creek Road and maintain and protect the integrity of the acoustic mound and fence. All buildings and structures shall be located outside this area. The terms of the statutory covenant shall be to the reasonable satisfaction of the Manager Land Use. The covenant is to be registered on title with the Department of Natural Resources and Mines after the approval and dating of the Plan of Survey by Council. Any costs associated with registering the covenant shall be met by the applicant.

Park Areas

7. Two areas of Active Parkland shall be constructed, including an area a minimum of 1000m² adjacent to lots 28, 29 and 30 within the existing cleared area and an area a minimum of 800m² adjacent lots 47 & 48. Recreational playground facilities to a minimum value of \$30,000 shall be provided in the area adjacent lots 47 & 48 to the reasonable satisfaction of the Manager Land Use. These facilities shall be designed to comply with the Australian Standards.
8. Upon registration of the Plan of Survey all lands described as 'Park' on the Plan of Development or required by these conditions shall be dedicated to the Crown (with Council as Trustee) for park and environmental protection purposes pursuant to the Land Act.

Fire Management

9. The development shall be undertaken in accordance with the Fire Management Plan prepared by Cardno Report and dated 21 July 2006, excluding the fire emergency access/egress adjacent to lot 6, with all fire mitigation measures undertaken prior to endorsement of the plan of survey relevant for each stage, with the completion of each Stage to include the provision of one emergency access for the development.

Site Clearance

10. A site management plan and remedial action plan shall be prepared in accordance with the Environmental Protection Agency (Contaminated Land Unit) requirements, with all actions of the plan implemented to the reasonable satisfaction of the Manager, Land Development and the Environmental Protection Agency prior to sealing of the plan of survey.

Landscape Plans

11. A Development Permit for Operational Works for landscaping shall be obtained prior to the commencement of any landscaping works. All detailed landscape plans for the development shall comply with the requirements of the landscaping conditions herein. To this extent the landscaping plans shall be prepared by a qualified Landscape Architect or qualified horticulturist.
12. Landscaped areas shall be integrated floristically and structurally with the surrounding native vegetation. To be consistent with an ecologically sustainable design philosophy, all species located in landscape areas within the developed portion of the site shall be consistent with Council's Landscaping Guidelines – Planning Scheme Policy PSP1. All species located within the parkland areas shall be locally endemic.
13. A Landscape Plan shall be prepared for all the residential streetscape, Active Parkland and Buffer to Eenie Creek Road and indicate trees to be retained. Where other permits for Operational Works for roads, drainage or access are required, the landscaping layout shall be based on approved drawings for those operational works.

The detailed landscaping plans are to address:-

- 13.1. Street tree planting to allow good shade canopy once fully mature;
- 13.2. Road & service locations;
- 13.3. Existing vegetation to be removed, with this vegetation clearly identified on site for inspection by Council;
- 13.4. Existing vegetation to be retained and measures employed to ensure vegetation retention.
- 13.5. Provision of a water service connection to each landscaped area on public land or road reserve;
- 13.6. Landscaping treatments to the vegetated buffer adjacent to Eenie Creek Road;
- 13.7. Landscaping treatments to the 5 metre Environmental Covenant at the rear of the lots at the southern boundary of the site;
- 13.8. Landscaping treatment to the Active Parkland areas, utilising species recommended by the Ecological Restoration Plan;
- 13.9. The proposed barriers to the dam at the north eastern corner of the site, consider the manner in which the dam is viewed from the walking track;
- 13.10. The location of the walking track network primarily using existing tracks;
- 13.11. Weed control, erosion control and rehabilitation needs within the area and detail how the necessary works shall be undertaken;
- 13.12. All existing access points into the park areas and recommend how these shall be managed;
- 13.13. The rehabilitation and planting enhancement requirements for the park areas around the retained dam and the stormwater detention basins;
- 13.14. All the works and items that the Developer shall undertake or provide to establish and secure the park areas prior to dedication.
- 13.15. The lots created are to be grassed or hydromulched with a suitable seed mix (minimum 80% cover per sq.m at off maintenance inspection);
- 13.16. Tree protection during construction;

- 13.17. Site preparation;
- 13.18. Landscape buffers and fences to neighbouring properties;
- 13.19. Habitat enhancement for native fauna;
- 13.20. Removal of undesirable species and environmental weed removal and control;
- 13.21. Species 'palettes' and schedules;
- 13.22. Planting out procedures and horticultural requirements;
- 13.23. Mulching and fertilising procedures;
- 13.24. Irrigation and watering procedures;
- 13.25. Erosion and sediment control;
- 13.26. On-going maintenance;
- 13.27. Construction materials and details;
- 13.28. Environmental safeguards.

Such landscaping is to be completed in accordance with the approved landscaping plan prior to acceptance of the development On Maintenance.

- 14. Any existing vegetation within the development area to be retained shall be first assessed by a qualified and experienced arborist to determine its suitability for retention. Sensitive pruning may be undertaken in conjunction with advice provided by the site arborist.
- 15. All underground services, drainage, footpaths, bike paths, roads and other site works shall be located to minimize adverse impacts on retained vegetation, particularly their root systems.
- 16. Public pathways in the park areas shall be designed and constructed to accommodate both pedestrians and cyclists in accordance with Council's design standards. Seats, rubbish bins and other recreational facilities shall be provided according to Council's provision standards for active recreational parkland.

Management Plans

- 17. The applicant shall prepare various management plans as required by the conditions that relate to the design, construction and operational phase of the development. These plans are to be prepared by appropriately qualified and experienced persons to the reasonable satisfaction of the Manager Land Use prior to any approvals being issued for Operational Works, unless a subsequent development permit requires otherwise. The plans are to address responsible environmental management principles and specific matters detailed in the conditions of this approval.
- 18. The developer shall pay Council all reasonable costs for the assessment of the management plans.

Ecological Restoration Plan

- 19. An Ecological Restoration Plan shall be prepared and submitted prior to applying for a Development Permit for Operational Works. The park areas of the site (excluding acoustic buffer) shall be revegetated and rehabilitated in accordance with the Council approved Ecological Restoration Plan.
- 20. An Ecological Restoration Plan shall be prepared by a qualified and experienced Ecologist, to the reasonable satisfaction of the Manager Land Use. The Ecological Restoration Plan (ERP) shall address environmental weed removal and control, rehabilitation of existing vegetation communities and revegetation strategies for degraded open space areas of the site. It shall identify all the park areas (excluding the acoustic buffer) that require ecological restoration and specify actions and works necessary to result in robust, self-sustaining, viable indigenous plant communities and habitat and:-
 - 20.1. All rehabilitation to the park areas at the north of the site shall aim to achieve a stable wetland system in accordance with Regional Ecosystem 12.3.5 for this location. This includes the areas designated as 'Stormwater Detention and the existing dam required to be retained.'

- 20.2. The plan shall aim to revegetate the park areas with suitable native species to resemble the pre-cleared ecosystem by removing all noxious and environmental weeds from the site, then planting suitable native species and then by carrying out continual maintenance over a 3 year period (the maintenance period) to enable the revegetation and rehabilitation works to be self-maintaining. To this extent it is recommended that Council's Environmental Planner be consulted during the preparation of the plan.
21. The following, inter alia, shall be addressed and included in the Ecological Restoration Plan and specifications:
 - 21.1. Formulate structural and floristic models for plant communities as identified in the Ecological Assessment Report prepared by Cardno and dated 21 July 2006 and include updated details;
 - 21.2. document the current status of the areas requiring ecological restoration in terms of structure, floristics, missing elements, health, vigour, etc.;
 - 21.3. specify the required works and actions for each area in terms of:
 - 21.4. site preparation (this may include thinning, grass removal, weed removal and control, etc.),
 - 21.5. establishment of the missing floristic and structural elements,
 - 21.6. creating opportunities for regeneration from the seed bed, natural recruitment and the establishment of wildlings,
 - 21.7. habitat creation and reinforcement for native fauna and reinforcement of habitat linkages and corridors,
 - 21.8. planting and mulching procedures,
 - 21.9. fertilizing procedures,
 - 21.10. watering procedures,
 - 21.11. protection from wildfire, particularly during the establishment phase,
 - 21.12. erosion and sediment control,
 - 21.13. on-going maintenance,
 - 21.14. enhancement of environmental linkages and corridors;
 - 21.15. access for maintenance.
 - 21.16. environmental safeguards, and
 - 21.17. incorporation of the relevant requirements of all the management plans required by this approval, particularly the Environmental Management Plan.
22. A wire fauna fence shall be erected around the perimeter of the park areas to be protected and restored, prior to construction activities commencing on site. The fauna fence will have signs attached restricting entry to authorised persons only.
23. The contract for the Ecological Restoration work shall specify a 3 year maintenance period from the date restoration works are completed by the contractor to the reasonable satisfaction of the Manager Land Use, by which time the ecologically restored areas should be self-sustaining. It shall also be weed-free to the satisfaction of the Manager, Environmental Services.
24. All the relevant ecological restoration works and actions shall be undertaken by the Developer and completed prior to dedication of the park areas to Council.
25. The eradication and control of environmental weeds will be an integral part of both the Ecological Restoration Plan and the Landscaping Works. Vegetation used in restoration work and landscaping shall exclude environmental weed species.

Environmental Management Plan

26. An Environmental Management Plan (EMP) for the Site shall be prepared and implemented by persons holding appropriate environmental and construction engineering qualifications and proven expertise in the preparation and implementation of EMPs, to ensure that the impact on the environment of the carrying out of the Development is minimised, the Environmental Values of the Site are protected and enhanced and the Development is ecologically sustainable.
27. The EMP shall be cognisant of the following:-
 - 27.1. The EMP shall comply with AS00014;
 - 27.2. The EMP shall demonstrate a high level of environmental care and responsibility and be consistent with best practice for developments of this type in similar environments.
 - 27.3. The EMP shall detail the Developer's environmental policy and the proposed environmental management system for the Site.
 - 27.4. The EMP shall specify to the reasonable satisfaction of the Manager – Land Development:
 - 27.4.1. the performance targets, including those derived from the Conditions and other requirements arising from legislation and other approvals;
 - 27.4.2. how the performance targets are to be achieved;
 - 27.4.3. who is responsible;
 - 27.4.4. when the performance targets will be satisfied;
 - 27.4.5. how performance will be monitored;
 - 27.4.6. corrective actions and contingency measures;
 - 27.4.7. reporting arrangements
 - 27.4.8. auditing arrangements
 - 27.4.9. how the requirements are to be incorporated into construction and works contracts;
 - 27.4.10. how the Developers employees, contractors and the contractor's employees will be informed and trained with respect to the environmental protection requirements;
 - 27.4.11. enforcement; and
 - 27.4.12. penalties for non-compliance.
 - 27.5. In particular, but without limitation, the EMP shall address the following issues in relation to the construction phase to the reasonable satisfaction of the Manager – Land Development:
 - 27.5.1. legislative compliance;
 - 27.5.2. soil erosion and sediment control
 - 27.5.3. vegetation protection;
 - 27.5.4. fauna and fauna habitat protection;
 - 27.5.5. weed and pest control;
 - 27.5.6. water quality protection;
 - 27.5.7. ground water protection;
 - 27.5.8. air quality protection;

- 27.5.9. storage and handling of hazardous substances;
 - 27.5.10. noise and vibration management;
 - 27.5.11. waste management;
 - 27.5.12. cultural heritage management;
 - 27.5.13. visual amenity protection;
28. In particular, but without limitation, the EMP shall address the following issues in relation to the operational phase to the reasonable satisfaction of the Manager – Land Development:
- 28.1. soil erosion and sediment control;
 - 28.2. water quality protection;
 - 28.3. vegetation protection;
 - 28.4. fauna, fauna habitat and fauna corridor protection;
 - 28.5. aquatic ecosystem protection;
 - 28.6. bushfire control;
 - 28.7. weed and pest control.
29. The EMP shall be submitted to Council in prior to or in conjunction with the lodgement of any development applications for Operational Works for the Site. The Developer shall not commence any development on Site until the EMP is approved by the Manager – Land Development. The Developer shall comply with the requirements of the EMP.

Vegetation Removal and Disposal

- 30. Vegetation removal, tree felling and lopping shall be undertaken in an environmentally sensitive manner to avoid damaging surrounding vegetation, trees and habitat.
- 31. Prior to felling or lopping all trees are to be checked for wildlife (eg. koalas, cockatoos, possums). If wildlife species are present, the tree shall not be felled or lopped until the wildlife has left the tree.
- 32. All cleared vegetation shall be suitably processed or removed from the site by a method approved by Council.
- 33. Reproductive components of environmental weed species cleared from the site shall not be mulched, with the material to be removed from the site and disposed of in a Council approved refuse tip.
- 34. Burning off is not considered an acceptable means of disposal and is not to take place.
- 35. During construction, the boundaries of areas of retained and protected vegetation within the development area shall be clearly marked for the purpose of preventing access into these areas thereby protecting the vegetation and habitat values.
- 36. All mulch produced on site by mulching cleared vegetation and trees shall specifically exclude reproductive material (particularly seeds) from environmental weed species (eg. Camphor laurel, lantana, asparagus and umbrella trees).

General

- 37. 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 nuisance or other emissions.

38. Security in the form of a cash bond or trading bank guarantee to the sum of \$250,000 must be submitted, 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.
39. The requirements of this development approval are to be effected, prior to the use of the premises. Council reserves the right to call upon the bond or guaranteed sum referred to in this approval to effect compliance with conditions.
40. The Development Permit for a material change of use of premises and lot reconfiguration lapses if the use has not happened by 9 August 2011, unless an application to extend the currency is approved by Council.

Land Development

River Flooding

41. All buildings proposed on site (and areas utilised for carparking purposes associated with the buildings) shall be constructed to comply with Council's Minimum Floor Height requirements as defined in Council's Planning Scheme and on Council's Scheme Maps at the time of issue of the Building Permit.

In this regard and as an indication only – all dwellings should have a Minimum Floor Height at or above RL 2.6 m (AHD). These levels however are subject to change and verification shall be made to Council's Land Development Section prior to obtaining a Development Permit for Building Works.

The applicant should note that compliance with these levels does not necessarily require the site to be filled as an equal result can be achieved by suspending the lower levels of the building as opposed to filling. To this extent excessive filling should be avoided to prevent any impacts on neighbouring properties and minimum floor levels should be strictly adhered to without building higher than is actually needed to prevent flooding.

42. Lots 21, 22, 37, 38, 42, 43, 53, 54, 57, 58, 63, 65 and 66 shown on Plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike shall have turnaround areas constructed within the road reserve to enable vehicles to enter the main carriageways in a forward direction.

Reconfiguration Approved Layout

43. The lot reconfiguration shall be generally in accordance with Plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike and subject to the following amendments:

43.1. The rear property boundary of the lots 14-22, 37-43, 53-58 and 63-66 shall be setback 5 metres from the existing property boundary at this location. The area between the lots and Eenie Creek Road shall be dedicated to Council as park.

43.2. The existing dam in the north eastern area of the site shall be maintained and shall be subject to a rehabilitation program, with a safety barrier provided between this dam and the active parkland and pedestrian path. The Ecological Restoration Plan shall clarify how this is to be achieved.

44. The development may be undertaken in the following stages:

Stage 1	Lots 49-52 and Lots 54 – 68 plus balance lot and park as described below;
Stage 2	Lots 41 – 48, Lot 53, Lots 69 & 70 and Lots 78 – 81 plus balance lot;
Stage 3	Lots 30 – 40, Lots 71 – 77 plus balance lot and park as described below;
Stage 4	Lots 18 – 29, Lots 82 & 83 and Lots 91 – 96 plus balance lot;
Stage 5	Lots 1 – 17 and Lots 84 – 90 (plus balance lot if not done as last stage).

With Stage 1, dedication of all park areas and Active Parkland (excluding the area of the western detention basin and park to its south west) is required as part of the Plan of Survey. Stage 1 shall also include completion of all ecological restoration works of the park areas, landscape works of the Active Parkland. The acoustic and visual buffer requirements to Eenie Creek Road, except for the construction entrance to Eenie Creek Road, shall be completed in Stage 1. A suitably qualified acoustic consultant shall identify any acoustic buffer requirements for the construction access and certify the mitigation measures prior to the endorsement of each stage.

With Stage 5, the remaining area of Park including the area of the western detention basin and park to its south west shall be dedicated.

Vehicle Access Driveways

45. The vehicular access driveways indicated on Plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike to serve Lots 21, 22, 37, 38, 42, 43, 53, 54, 57, 58, 63, 65 and 66 shall be constructed from the proposed street frontages prior to the endorsement of the plan of survey for the relevant Stage.
46. The access driveways shall be designed and constructed to Council's design standards and to grades that prevent vehicles from scraping and/or bottoming whilst also allowing pedestrians movements along the footpath without any step or level difference. Should any driveways be constructed to grades that do not comply with AS2890.1-2004, Council will require that the driveway be removed and reconstructed to levels that do comply.

Please note, a step between the driveway and the footpath shall be avoided, as it is preferred to have the footpath continue at a constant grade to minimise the potential for pedestrians to trip or fall.

Roads, Car Parking and Access

47. The redundant vehicular crossing to the site from Eenie Creek Road shall be removed and replaced by kerb and channel and planting in accordance with Council's standards, prior to endorsement of the last Stage's Plan of Survey.
48. All new roads shall be constructed to Council's standards, generally in accordance with Plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike. The roads shall include the provision of kerb and channel, asphaltic concrete pavement and formed footpath. Pavement widths shall be as follows:-
 - 48.1. All roads of 15 metre road reserve shall have 6 metre AC kerb to kerb
 - 48.2. All roads of 17 metre road reserve shall have 8 metre AC kerb to kerb.
49. The proposed vehicular access extending from the existing Shipwright Avenue shall be constructed using low impact and environmentally sensitive techniques to minimise the impact on existing vegetation at this location. A culvert underpass shall be provided to the proposed access for fauna and shall be designed to be dry a minimum of 70% of the time.
50. A carparking area for three spaces shall be constructed adjacent to each of the two active recreational areas required by these conditions. It shall be drained to the treatment system and the sealed pavement constructed to access road standards. Plans and specifications for these works shall be submitted in conjunction with an application for a Development Permit for Operational Works. All carparking shall be kept, maintained and line-marked in a condition fit for use.
51. A 5.5 metre wide AC or concrete emergency access connection will be constructed between lots 10 & 11 and along the road reserve to Eenie Creek Road. The emergency access located between proposed Lots 15 & 16 as shown on the proposal plan is to be deleted.
52. All construction traffic access during the entire period of civil engineering works relating to the construction of the subdivision be via the current Browns farm gate on Eenie Creek Road.
53. Deleted.

Pathways

54. A 2.5m wide concrete path shall be constructed generally as shown as the main pedestrian linkage on Plan M1886-03B dated 1 August 2006 by Jones Flint & Pike in accordance with Council's design standards and to an alignment that protects any significant vegetation or any underground services. It shall be constructed from the existing path in Shorehaven Drive and run along Shipwright Avenue. The path shall then continue through the development as shown on the plan and continue along the road reserve running east west, then along southern boundary of park Lot 100 SP 162077 to the road reserve at Walter Hay Drive North.
55. The applicant shall construct 1.5m wide concrete paths on one side of all other new internal roads. A 1.5 metre wide path shall also be constructed through the road reserve at the end of the cul-de-sac on the western side of the development to allow connection to the main 2.5m pathway.
56. The applicant shall construct a 2m wide pathway from Seagull Court to connect to the 2.5m pathway generally in location shown as the indicative pedestrian linkage on Plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike. This will include the construction of any necessary bridges or boardwalks in the wet areas and shall be aligned in the most environmentally sensitive position and constructed to minimise disturbance to existing vegetation.

57. Pram ramps shall be installed at the intersections wherever needed to direct pedestrians across the road.
58. All paths, pram ramps, driveways and parking areas shall be designed and constructed to ensure pedestrian safety using non-slip materials, to produce an evenly graded surface finish, and to be in accordance with the Disability Discrimination Act 1992 and Australian Standard 1428.1 Design for Access & Mobility.
59. All concrete footpaths are to be designed and constructed to ensure pedestrian safety using non-slip materials and to produce an evenly graded surface finish.
60. Prior to works being taken on maintenance, the remainder of the footpath areas shall be topsoiled and established with couch or buffalo turf, free of weeds.
61. Where footpaths are located in cut or where site conditions indicate the presence of groundwater in proximity of the natural ground level, subsoil drains shall be constructed between the back of path and the property boundary.

Stormwater

62. A revised 'Water Quality Management Plan' shall be submitted for approval prior to lodgement of an application for a Development Permit for Operational Works. This plan shall be prepared by a suitably qualified consultant, and shall detail:-
 - 62.1. Required bioretention areas to be constructed to achieve approved water quality parameters;
 - 62.2. Water quality parameters including turbidity, nutrient levels, pathogen, and pH levels required to be met during construction and operation of the development;
 - 62.3. Inspection, testing measures and reporting to be undertaken during and after construction.
 - 62.4. Remedial action to be taken in the event of a non conformance, and
 - 62.5. Recommendations for an ongoing inspection, testing and maintenance regime.
63. The layout shall be amended as required to accommodate any necessary stormwater treatment devices.
64. The developer will maintain and monitor the stormwater treatment train and devices in accordance with the approved Water Quality Management Plan for a period of three (3) years after endorsement of the final stage of development.
65. The stormwater discharge from the site shall be designed such that there is no net increase in the rate of discharge as a result of the development for storm events up to 100 year ARI. Plans, details and calculations of an on site detention system shall be submitted in conjunction with a Development Permit for Operational Works. The on site detention system shall be designed for all storm events up to and including the 1:100 year design storm event, with discharge to a Council controlled storm water system limited to pre-development conditions.
66. All stormwater drainage shall be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3.2-1998 'Stormwater Drainage-Acceptable Solutions' and Noosa Council Standards. Pipe and channel drainage systems shall be designed to cater for five (5) year Average Recurrence Interval design storm (ARI.). In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year ARI.
67. Tabulated hydrologic and hydraulic calculations that demonstrate the adequacy or otherwise of the existing site stormwater drainage system shall be submitted in conjunction with a Development Permit for Operational Works. Such calculations shall include any remedial measures necessary to rectify defects in the existing system. Where proposed site drainage is to be connected to the existing system, the calculations shall clearly demonstrate the adequacy of the existing drainage network to accept the additional stormwater flows.
68. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the reasonable satisfaction of the Manager - Land Development.
69. Stormwater drainage shall include measures to protect proposed allotments from run-off from or to surrounding land. The design shall also address controls for gross pollutants, nutrient runoff, oil and grease, and silt and sediment.

Underground stormwater systems shall be designed in accordance with Noosa Council's Engineering Design Standards, and shall be connected, where possible to Council's existing drainage systems. An easement of minimum width 4.0 metres shall be granted in favour of Council over any stormwater pipes that traverse private property.

Designs that concentrate stormwater onto adjoining land shall require separate formal approval from the owner of the land or relevant Government Authority. Such approval shall be submitted with the design in conjunction with an application for a Development Permit for Operational Works.

70. The design plans detailing surface levels, which shall be controlled across the site of the development to create a major storm event overland flow path system to cater for the 1:100 year design storm, shall be submitted in conjunction with a Development Permit for Operational Works. Any overland flow from external catchments shall be accepted and incorporated in the major event surface flow drainage system through the site. Overland flows shall be discharged in a safe manner and the product of velocity time depth shall not exceed 0.4 m²/sec.
71. An easement for drainage in favour of Council shall be created over the full length and width of major storm event surface flow paths within created lots where required by design at no cost to Council.
72. All site drainage shall be by means of gravity systems.

Environmental

73. All Class 1, Class 2 and Class 3 pest plants declared under the Land Protection (Pest and Stock Route Management) Act 2002 are to be controlled on the site prior to Council endorsement of the Plan of Survey for each Stage. In this context "controlled" shall mean, for class 1 and 2 pests, completely eradicated. For class 3 pests it shall mean removal of the plants where they threaten environmentally significant areas of the site such as riparian zones and areas of natural vegetation. Where class 3 plants are removed as a result of this condition and there is not sufficient natural regeneration of native species, the areas shall be replanted with endemic native species so that a sustainable natural ecosystem is restored. Council's Conservation Management Supervisor will not inspect the site until 30 days after the weed treatment and replanting is complete.
74. Existing vegetation on the site shall be retained except where removal is required to enable construction of the approved roadworks, and services or as otherwise approved under any Development Permit for Operational Works.

Acid Sulfate Soils

75. A report shall be submitted from a registered practicing Geotechnical Engineer in conjunction with an application for Development Permit for Operational Works in regard to the presence of Acid Sulphate Soils. The report shall identify all areas of the site which have potential for acid sulphate soils and shall make recommendations on any activity likely to occur affecting these soils. Consideration shall include any potential lowering of groundwater tables.

Water and Sewer

76. An application for a Development Permit for Operational Works for services shall be obtained prior to commencement of works.
77. A reticulated water supply system shall be provided to connect to Council's existing systems, including a metered water connection to the property boundary of each proposed new lot within the site.
78. **Two** (2) separate connections to Council's existing water supply network shall be provided to comply with requirements specified in Planning Scheme Policy 6 – *Engineering Guidelines – Water Supply & Sewerage*. A minimum 150mm diameter main shall be connected to the existing water main adjacent to the southern end of existing road formation of Shipwright Avenue and the existing water main located in Seagull Court adjacent to the pathway between Nos. 13 & 15 Seagull Court. Layout of water main to connect to the existing water main in Seagull Court to be determined in conjunction with Council's Water & Sewerage Capital Works Manager. The existing cleared area adjacent to the eastern and northern boundaries would be considered as a suitable location to accommodate proposed water main.
79. Fire hydrants are to be provided throughout the development in accordance with Council and Queensland Fire Service standards.
80. Design for a sewerage system to connect all new lots within the site to Council's existing sewerage reticulation system shall be to the standards and requirements set out in Council's Engineering Design Standards. If the design requires the construction of a pump station and a rising main, the connection point to Council's existing system will be nominated by the Manager - Land Development.

81. The nominated sewer discharge point for the development is the existing sewer manhole NV24/08/88 located at the southern end of existing road formation of Shipwright Av.

Other Services

82. An underground electricity service shall be provided to each lot if not already provided.

In this regard, an approved ENERGEX Electrical Design Consultant shall work in conjunction with Council's Manager - Works Support to prepare detailed designs of the electrical proposal.

The detailed designs shall then be submitted to ENERGEX for approval and a copy of their approval submitted to Council in conjunction with a "Certificate of Electricity Supply for Proposed Subdivisions" (prepared by an approved ENERGEX Electrical Design Consultant) prior to Council endorsing the Plan of Survey for each Stage.

Any agreement with ENERGEX or an approved ENERGEX Electrical Design Consultant shall be wholly at the applicant's expense and shall not entail a financial encumbrance on future purchasers of the proposed lots.

Street lighting and pathway lighting throughout the subdivision shall have a high energy efficient rating to the reasonable satisfaction of Council and shall generally be provided in accordance with the principles of Council's Engineering Design Standards.

83. The requirements for TELECOMMUNICATION services shall be satisfied in relation to the provision of new telephone services to the proposed lots. In this regard written confirmation from an approved telecommunication agency shall be submitted to the Council prior to Council endorsing the Plan of Survey for each Stage.

Earthworks

84. Earthworks associated with the construction of the road across the open space conservation area shall not extend outside the 17 metre road reserve. This may require the construction of retaining walls and appropriate safety fencing. In all other areas, earthworks shall be generally contained within existing and proposed road reserves except where otherwise approved by Council.

85. The transportation of all materials to and from the site shall be undertaken in a manner such that no particulate matter escapes onto a public road. All vehicles carrying materials either to or from the site shall be covered to prevent materials including dust being windblown from the vehicle.

86. Where a change in the levels of the site outside of an existing or proposed road reserve is approved, the site shall be filled or cut so that each lot drains towards a road frontage unless an existing or proposed drainage system will collect stormwater from off each lot and discharge the stormwater to an adequate Council stormwater drainage system.

Such works undertaken on the site shall be carried out in accordance with Section 3.8 of Council's "Engineering Design Standards" Manual so as not to cause any ponding of water on any adjoining land, or the blockage of, or interference with any natural watercourses.

87. A registered practicing Geotechnical Engineer shall test the existing ground conditions for suitability of placing additional fill, prior to such fill being placed.

Filling works shall be restricted to the subject site itself, and the finished fill levels are to taper to the existing levels prior to the rear boundary of the property. Batters shall be at a maximum grade of 1:4 unless retained by a wall.

Any existing fill or natural materials on the site or with the extent of approved works external to the site which do not satisfy the Manager - Land Development's or a Geotechnical Engineer's requirements shall be removed and replaced with suitable material.

88. Fill shall be compacted to 95% relative dry density as per Main Roads Department Test No. Q8A. A registered practicing Geotechnical Engineer shall supervise all the placement of fill and shall certify that all lots have been compacted to the required standard prior to endorsement of the Plan of Survey for that Stage.

Any existing fill on the site that does not comply with Council's requirements shall be removed at the direction of the Manager - Land Development prior to additional filling works commencing.

Erosion and Sediment Control

89. Any person acting on this permit shall prevent erosion and sediment export from leaving the site. Site control measures such as silt fencing, controlled gravel access to the site and controlled disposal of waste, will be necessary.

In this regard plans detailing the methods of controlling erosion and sediment are required to be submitted to the Council for approval prior to obtaining a Development Permit for Operational Works.

Contributions Towards Council Infrastructure

90. Monetary contributions shall be paid to Noosa Council towards the cost of providing and/or upgrading various infrastructure at the rates applicable at the time of payment. An estimate only of the contribution amounts under the current Council policies and requirements is outlined in the table below:

Contribution Required For:	Stage 1:	Stage 2:	Stage 3:	Stage 4:	Stage 5:
PSP16 – Sewerage Headworks Contributions	\$33,928	\$29,937	\$37,920	\$39,916	\$47,899
PSP17 – Water Supply Headworks Contributions	\$62,041	\$54,742	\$69,339	\$72,898	\$87,587
PSP20 – Pathway Trunk Network Contributions	\$11,208	\$9,890	\$12,527	\$13,186	\$15,824
TOTAL Contribution Amount =	\$107,177	\$94,569	\$119,786	\$126,091	\$151,310

Please note, that these amounts are all subject to variations in the Consumer Price Index, All Groups Brisbane from **March 2007** until the date of payment.

All relevant contributions must be paid prior to Council endorsement of the Plan of Survey for each Stage.

Dedications

91. Where parks are required to be dedicated to Council, the following information shall be submitted in conjunction an application for Operational Works:-
- 91.1. Engineering details of the proposed clearing, filling and drainage works within the park areas to achieve parks of the size required.
 - 91.2. An Engineering assessment of any drainage problems that may result on adjoining lots as a result of such filling works, and the proposed means of overcoming such problems.
 - 91.3. A landscaping plan showing proposed revegetation works following completion of the earthworks.
 - 91.4. Clearly define the extent of the park area on site for inspection by relevant Council personnel, prior to any earthworks or clearing works commencing.
 - 91.5. The design, installation and construction details of playground equipment complying with the relevant Australian Standards.
 - 91.6. The location of all proposed drains entering the park including detailed outlet controls
92. In conjunction with the endorsement of the Plan of Survey for the first completed Stage, the land indicated on plan M1886-03D dated 19 January 2007 as submitted by Jones Flint & Pike as park shall be dedicated to the State at no cost to Council. The plan will need to identify the two types of park, one being environmental reserve and the other as recreational park.

Easements

93. Prior to Council endorsement of the Plan of Survey for each Stage, a duly executed copy of any required Grant of Easement shall be submitted to Council for perusal.
- Any changes required by Council's Solicitor shall be attended to prior to endorsing the Plan of Survey.
Any necessary Titles Office forms requiring the consent of Council is to be submitted prior to the endorsing of the Plan of Survey.
94. Prior to the endorsement of the Plan of Survey for each Stage, the Applicant's Solicitor shall give Council's Solicitor an appropriate undertaking in writing that in conjunction with lodgement of the Plan of Survey at the Land Titles Office, the Title Deed and the easement documents will also be lodged and any additional Titles Office forms or requisitions requiring the consent of Council being attended to forthwith.
95. An easement over the proposed stormwater drainage through the site shall be dedicated to Council, at no cost to Council. The width of the easement shall be sufficient to provide a minimum of 1.5 metres either side of the designed drainage structure and shall be a minimum width of 4.0 metres.

96. No building or other structure shall be constructed or encroach over an easement. Any building or structure within proximity of an easement or Council's or any other public utility's underground infrastructure must have its foundations designed so that **no surcharge loads** are imposed upon such underground infrastructure. Foundations must be taken down a minimum of 1m below a line of influence measured 1m in the direction of the foundation from the centreline of the closest underground service and along the natural angle of repose of the foundation soil type(s).

Plans, and supportive documents, detailing these proposed foundations shall be designed by a registered practicing Geotechnical Engineer and submitted with any application for any Development Permit for Building Works.

97. Registered easements are to be provided on the Plan of Survey for each Stage over all sewerage and water mains within private property. Easements are to be equivalent in width to twice the depth to invert level of the sewer at the deepest point within the allotment. Easements are to be provided parallel to and centred over the sewer line, with a minimum width of 3.0 metres.

Legals

98. In conjunction with the lodgement of the Plan of Survey for each Stage for Council endorsement, legal documentation shall be presented to Council and shall be submitted in the correct form with the fees prescribed in Council's adopted fee schedule.
99. Pursuant to Section 3.7.3(3)(b) of the Integrated Planning Act, all outstanding rates and charges due and payable to Noosa Council in respect of the lots being reconfigured shall be paid prior to endorsement of the Plan of Survey for each stage.

Survey Marks

100. Prior to endorsement of the Plan of Survey for Stages 1, 3 and 5, a State Survey Mark shall be provided within the site for each stage at the following locations:

The corner of Lot 30;
The corner of Lot 50; and
The frontage of Lot 87.

They shall be levelled and located to the requirements of the Manager - Land Development. A 'Form 6' shall be submitted for Council's records.

Each State or other Permanent Survey Mark shall be installed clear of overhead vegetation, making it suitable for Global Positioning Equipment, and accurately connected to at least one real property corner by a registered Surveyor.

General

101. Any alteration of a public utility or other facility necessitated by the development of the land or associated construction works either internal or external to the site shall be at no cost to Council.
102. Any damage caused to any public utility during the course of construction shall be repaired to Council's standards and at no cost to Council.
103. The person acting on this permit shall apply and obtain for all other necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals required under any other Act.
104. Prior to commencement of work relating to a Development Permit for Operational Works, the Applicant shall sign a written undertaking to be responsible for the full cost of repairs to road pavement, footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development.

If any person acting under this permit damages any Council property or facilities (such as underground drainage, water supply and sewerage) , through any cause whatsoever in the course of, directly or indirectly carrying out development, that person shall forthwith notify the Manager - Land Development and shall forthwith rectify that damage at its cost and to the satisfaction of the Manager - Land Development. Alternatively, the Applicant may request the Council to carry out the rectification works.

Any damage to a water main shall be rectified by Council. Any damage to a sewer main shall be undertaken by either Council or a Council approved contractor.

In all cases, Council reserves the right to carry out rectification works in an emergency and where no reasonable attempt has been made to complete the rectification works as part of the development.

All costs incurred by Council in any rectification works shall be repaid to Council prior to the endorsement of the Plan of Survey for each Stage.

105. All designs for engineering works involving the construction of pavements, kerb and channel, vehicular access, footpaths, turnouts, stormwater drainage, water supply or sewerage reticulation shall be prepared in accordance with the requirements of Council's Engineering Design Standards, shall reference where applicable to Council's Standard Drawings and shall incorporate best engineering practice.
106. A suitably qualified Registered Professional Engineer shall prepare engineering drawings and specifications for all engineering works that will become Council infrastructure, which shall be submitted in conjunction with an application for a Development Permit for Operational Works. In this regard a DXF/DWG file on GDA94 zone 56 grid of the proposed cadastre layout is to be submitted in conjunction with any application for Operational Works.

Environmental Health

107. The development must allow refuse-loading areas to be located off street. All vehicles associated with the collection of waste/recyclables, shall enter and leave the site in a forward direction.
108. Noise from building works associated with residential development shall comply with the following –
 - 108.1. Limited to between 7:00am to 6:30pm Monday to Saturday.
 - 108.2. All reasonable measures are taken to minimise noise emissions.
 - 108.3. Not permitted on Sunday or public holidays.



Concurrence Agency Conditions – Queensland Transport

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION



Attachment I

Queensland Transport Concurrence Agency Conditions and Statement of Reasons BRIS-505

Queensland Transport

Applicant: Jones Flint & Pike Development Consultants

Application: Development Application for Material Change of Use and Reconfiguration of a Lot

Location: Eemie Creek Road, Noosaville, Lot 2 RP 842149, Noosa Council

Recommended conditions for the subject application	Jurisdiction for the condition	Reasons
<p>Pedestrian/ Cycle Access Network</p> <p>1. Prior to issuance of Certificate of Compliance, ensure</p> <p>a) all footpaths or shared pedestrian/cycle paths are constructed in accordance with <i>Austrroads Guide to Traffic Engineering Practice – Pedestrians</i> (part 13), <i>Bicycles</i> (part 14) and the <i>Manual of Uniform Traffic Control Devices</i>;</p> <p>b) fencing adjacent to pedestrian access routes is less than 2.0 metres high and is at least 50% transparent to enable active surveillance; and</p> <p>c) security lighting is provided along all major pedestrian paths and cyclist routes.</p>	<p>Section 8A of the <i>Transport Planning and Coordination Act 1994</i></p>	<p>New developments are to increase opportunities for people to access public passenger transport by giving priority to safe pedestrian and cyclist connectivity along street networks.</p>



Concurrence Agency Conditions – Department of Natural Resources and Water

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

Department of Natural Resources and Water – Referral agency response

Given under Section 3.3.16 of the *Integrated Planning Act 1997*

Application details

1.1. Applicant's name	Terrance Gilford Brown
1.2. Property description	Lot 2 on RP842149
1.3. Development type	Material Change of Use (MCU) Reconfiguring a Lot (RaL)
1.4. Assessment manager (AM)	Noosa Council
1.5. AM reference	2006/1793
1.6. Referral date	12 September 2006
1.7. Our references	eLVAS – 2006/010240 File – GYV/000560 Trackjob – IC0906NAM0007

2. Concurrence agency response

The chief executive of the Department of Natural Resources and Water (NRW) directs the assessment manager to include the following condition in any development approval given for the above mentioned development application—

- 2.1. The Material Change of Use and reconfiguration of Lot 2 on RP842149—including establishment of infrastructure and allotment boundaries—must remain consistent with the approved plan (*Proposed Plan – Jones Flint & Pike – 19 January 2007 – M1886-03D*).

3. Reasons for the concurrence agency response

- 3.1. NRW has assessed the application against the *Concurrence Agency Policy for Material Change of Use (MCU) 27 June 2005 (MCU Policy)* and the *Concurrence Agency Policy for Reconfiguring a Lot (RaL) 27 June 2005 (RaL Policy)*, and has determined that the part of the application occurring in a non-urban area meets the requirements of Part A of both the MCU Policy and the RaL Policy, while the part of the application occurring in a urban area meets the requirements of Part E of both the MCU Policy and the RaL Policy.
- 3.2. The chief executive of NRW has directed the assessment manager to include conditions in any development approval given for the above mentioned development application to ensure that the part of the proposed development occurring in a non-urban area remains consistent with the MCU Policy and the RaL Policy.



Local Laws, Policies & State Regulation Requirements

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

THE FOLLOWING ADVICES ARE FOR INFORMATION PURPOSES ONLY AND DO NOT FORM CONDITIONS OF APPROVAL

1. The applicant is advised that development contributions and infrastructure charges applicable to this development approval have been based on the following Uses Class/ Uses and applicable quantities:-

Existing Development		Approved Development	
Existing Use Class / Use	Existing Quantity	Approved Use Class / Use	Approved Quantity
1 Lot/Dwelling House	1	96 Lots/Dwelling Houses	96

2. The applicant is informed that approval of this development application will trigger an Infrastructure Charge in accordance with the Coastal Major Road Network Infrastructure Charges Plan for the estimated amount for each Stage is shown here and is subject to variations in the Consumer Price Index, All Groups Brisbane from **March 2007** until the date of payment. An Infrastructure Charge Notice will be issued in accordance with Chapter 5 of the Integrated Planning Act 1997.

Stage 1:	Stage 2:	Stage 3:	Stage 4:	Stage 5:
\$46,330	\$40,880	\$51,781	\$54,506	\$65,408

3. The applicant is informed that payment via credit card transaction will not be an acceptable method of payment for development contributions conditioned in this permit or for infrastructure charge notices issued separately.
4. To facilitate production of As Constructed drawings it is suggested that all design drawings are submitted in the Asset Design and As Constructed (ADAC) digital format. (Guidelines on the use of ADAC are available at www.adac.com.au).
5. The applicant is advised that roof runoff from any new dwelling shall be directed to a rainwater storage system or tank (minimum storage 5000 litres per dwelling) that is installed to ensure water from the tank is used for external uses (such as watering gardens, irrigation, ornamental ponds, water features, topping-up swimming pools, outdoor cleaning, etc) and for use in flushing of toilets internal to the dwelling. All rainwater tanks are to be designed and installed in accordance with the Queensland Development Code (QDC), Part 25 – *Rainwater Tanks*, and shall be part of the plumbing application in conjunction with the building approval. The location and capacity of the tank shall be clearly shown on the plans submitted for Building Works approval and any overflow shall be directed to the road frontage.
6. For the purpose of these conditions, the following definitions apply: -
- 6.1. A **Plan of Survey** means the plan for the reconfiguration of a lot required to be endorsed by Council pursuant to S3.7.1 of the Integrated Planning Act 1997.
- 6.2. A **registered Professional Civil Engineer** means an civil engineer who is registered in Queensland pursuant to the Professional Engineers Act 1988.
- 6.3. **Carparking area** means a parking area as defined in the Schedule to the Shire of Noosa Planning Scheme inclusive of manoeuvring areas and access from the roadway.
- 6.4. The **person acting on this permit** means any person or company who undertakes development pursuant to this permit.
- 6.5. **AS 2890.1 – 1993** means Australian Standard for Off Street Carparking - AS 2890.1-1993.

- 6.6. **Principal Contractor** means the person nominated by the Applicant and approved by the Manager - Land Development at a pre-start meeting as being responsible for the major component of works associated with a Development Permit for Operational Works of any works on the site.
7. Response from applicant indicates that building envelopes are not being stamped approved at this stage. It goes without saying that when the new landowners go build on the individual properties, any building or structure built will need to comply with The Noosa Plan and Queensland Development Code (QDC) 12.
8. The development should 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 Regulation 1998 or Council's Local Law No. 12 – Control of Nuisances.
9. In accordance with the Environmental Protection (Water) Policy 1997, all sand, silt, mud, paint, cement, concrete, builder's waste or rubbish should not be permitted to enter or be placed where it could reasonably be expected to move into a roadside gutter, storm water drain or a watercourse. On the spot fines apply for such offences.



List of Submitters

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

Trudy Anne & Noel Ryan		26 Shipyard Circuit	NOOSAVILLE QLD 4566
Leonie Lee		15 Mizzen Court	NOOSA WATERS QLD 4566
Sue & David Lloyd		12 Helm Court	NOOSA WATERS QLD 4566
Brian Cairns		46 The Peninsula	NOOSAVILLE QLD 4566
Angelika Pawlitschek & Ernst Pawlitschek		81 Saltwater Avenue	NOOSA WATERS QLD 4566
William Berry		67 Saltwater Avenue	NOOSAVILLE QLD 4566
Gary Stirling		26 Waterside Court	NOOSAVILLE QLD 4566
Steve Voss		21 Saltwater Avenue	NOOSAVILLE QLD 4566
Garth Pienaar		13 Saltwater Avenue	NOOSAVILLE QLD 4566
Rod Barlow		58 Saltwater Avenue	NOOSAVILLE QLD 4566
Sam & K Baillie		85 Saltwater Avenue	NOOSAVILLE QLD 4566
DM Porter		83 Saltwater Avenue	NOOSAVILLE QLD 4566
Jennifer Vaughan		51 Shorehaven Drive	NOOSAVILLE QLD 4566
MW Sewell		74 Saltwater Avenue	NOOSAVILLE QLD 4566
Julie McKay		79 Saltwater Avenue	NOOSAVILLE QLD 4566
R Bakker & J Elmsly		19 Saltwater Avenue	NOOSAVILLE QLD 4566
A Lorentson		40 The Peninsula	NOOSAVILLE QLD 4566
Graeme Birchall		22 The Peninsula	NOOSAVILLE QLD 4566
Carol Donovan		18 Mizzen Court	NOOSAVILLE QLD 4566
Gwen & Phil Johnston		59 Shorehaven Drive	NOOSA WATERS QLD 4566
Pauline & Chris Brinkley		51 The Peninsula	NOOSAVILLE QLD 4566
Graham & Beverley Dann		67 Shorehaven Drive	NOOSA WATERS QLD 4566
Ross Marlow		PO Box 1349	NOOSAVILLE QLD 4566
Les & Grace Lewis		19 Shorehaven Drive	NOOSAVILLE QLD 4566
David & Helen Peel		31 Shorehaven Drive	NOOSA WATERS QLD 4566
Andrew Dick	Principal Submitter	9 The Peninsula	NOOSAVILLE QLD 4566
Sonia Russell		83 Shorehaven Drive	NOOSAVILLE QLD 4566
John & Janet Day		51 Saltwater Avenue	NOOSAVILLE QLD 4566
Nancy Pallinger		124 Hilton Terrace	NOOSAVILLE QLD 4566
Larry Pallinger		124 Hilton Terrace	NOOSAVILLE QLD 4566
Mr & Mrs R McKenzie		91 Shorehaven Drive	NOOSAVILLE QLD 4566
J & P Tucker		49 The Peninsula	NOOSA WATERS QLD 4566
David & Marion Simpson		3 Mermaid Quay	NOOSA WATERS QLD 4566
Elaine Goodwin		13 Topsails Place	NOOSA WATERS QLD 4566
Nicolasina Austin		36 Seamount Quay	NOOSAVILLE QLD 4566
Frederick Austin		36 Seamount Quay	NOOSAVILLE QLD 4566
A Abrenicq		47 Shorehaven Drive	NOOSAVILLE QLD 4566
JA Stanton		4 BROADREACH COURT	NOOSA WATERS QLD 4566
Glenn Wardle		49 Shorehaven Drive	NOOSAVILLE QLD 4566
Colin & Annette Marks		70 Saltwater Avenue	NOOSAVILLE QLD 4566
Walter Zemler		27 The Peninsula	NOOSAVILLE QLD 4566
Hilary M Blakiston		11 Helm Court	NOOSAVILLE QLD 4566
Glenn, Ryan & Margaret Palk		36 Shorehaven Drive	NOOSAVILLE QLD 4566

Christine Gallagher & Ian Carr	CARE 126 Peachester Road	BEERWAH QLD 4519
Pamela Bycroft	6 Headland Drive	NOOSAVILLE QLD 4566
Anne Summers	4 Shipwright Avenue	NOOSAVILLE QLD 4566
Mervyn & Beth Degenhardt	6 Helm Court	NOOSA WATERS QLD 4566
John Murlewski & Anne Paterson	48 Saltwater Avenue	NOOSAVILLE QLD 4566
J Park	1 Admiral Place	NOOSAVILLE QLD 4566
Lorraine Pegan	15 Helm Court	NOOSAVILLE QLD 4566
John Pegan	15 Helm Court	NOOSAVILLE QLD 4566
Michael Baviello	1 Helm Court	NOOSA WATERS QLD 4566
John Bennett	57 Saltwater Avenue	NOOSA WATERS QLD 4566
Jocelyn Gower	6 Shipwright Avenue	NOOSAVILLE QLD 4566
Michael Pallott	11 Shipwright Avenue	NOOSAVILLE QLD 4566
K Hardcastle	48 Shorehaven Drive	NOOSAVILLE QLD 4566
Daren Thwaites	34 Saltwater Avenue	NOOSAVILLE QLD 4566
Yvonne Shaw	3 Helm Court	NOOSA WATERS QLD 4566
HF Andrew	5 Shipwright Avenue	NOOSAVILLE QLD 4566
CA Davies	17 Helm Court	NOOSAVILLE QLD 4566
Kay Pallot	11 Shipwright Avenue	NOOSA WATERS QLD 4566
Charles & Jean Carr	17 Headlands Drive	NOOSAVILLE QLD 4566
Robert & Narelle Action	41 Shorehaven Drive	NOOSAVILLE QLD 4566
John Andrew	5 Shipwright Avenue	NOOSA WATERS QLD 4566
Kim Latimer	14 Stardust Court	SUNRISE BEACH QLD 4567
Sasha Petrie	1 Helm Court	NOOSA WATERS QLD 4566
John & Janet Day	41 Shorehaven Drive	NOOSAVILLE QLD 4566
Roderick B Shaw	3 Helm Court	NOOSA WATERS QLD 4566
Cindy Spraitz	2/26 Bluefin Court	NOOSAVILLE QLD 4566
John & Margaret Carter	18 Shorehaven Drive	NOOSAVILLE QLD 4566
RM Patterson	44 Saltwater Avenue	NOOSA WATERS QLD 4566
Peter & Karen Croasdaile	46 Saltwater Avenue	NOOSAVILLE QLD 4566
Paul Du Toit	50 Shorehaven Drive	NOOSAVILLE QLD 4566
Tracey Du Toit	50 Shorehaven Drive	NOOSAVILLE QLD 4566
KE & HJ Fudala	4 Shorehaven Drive	NOOSA WATERS QLD 4566
S & B O'Rourke	2 Oceanmist Court	NOOSAVILLE QLD 4566
L Smith	13 Shorehaven Drive	NOOSAVILLE QLD 4566
IM & JM Barrett	3 Shorehaven Drive	NOOSA WATERS QLD 4566
David Andrew King	46 Shorehaven Drive	NOOSAVILLE QLD 4566
Pamela Garrelts	35 Saltwater Avenue	NOOSAVILLE QLD 4566
Graham & Sheila Peters	6 Admiral Place	NOOSAVILLE QLD 4566
Dean Wallace	16 Shorehaven Drive	NOOSAVILLE QLD 4566
Roy Stone	40 Masthead Quay	NOOSAVILLE QLD 4566
RA Gleeson	33 Saltwater Avenue	NOOSAVILLE QLD 4566
Alan John Hardcastle	48 Shorehaven Drive	NOOSA WATERS QLD 4566
The Resident	55 Saltwater Avenue	NOOSA WATERS QLD 4566
Phil & Kathleen Eccleston	26 Shorehaven Drive	NOOSAVILLE QLD 4566
Dianne Barlow	58 Saltwater Avenue	NOOSA WATERS QLD 4566
Val McManus	4 Helm Court	NOOSAVILLE QLD 4566
Vicki Ritchie	3 Shipwright Avenue	NOOSAVILLE QLD 4566

Michael Barber		17 Helm Court	NOOSAVILLE QLD 4566
Gary Latimer		2 The Peninsula	NOOSAVILLE QLD 4566
AV Latimer		14 Stardust Court	SUNRISE BEACH QLD 4567
Euan & Vicki Ritchie		3 Shipwright Avenue	NOOSAVILLE QLD 4566
Michael Griffiths		62 Saltwater Avenue	NOOSA WATERS QLD 4566
Margaret & Phillip Dobbs		31 Saltwater Avenue	NOOSAVILLE QLD 4566
Euan Ritchie		3 Shipwright Avenue	NOOSAVILLE QLD 4566
TA McManus		4 Helm Court	NOOSAVILLE QLD 4566
John Deshon & Gwenth Yuill		131 Shorehaven Drive	NOOSAVILLE QLD 4566
Mr / Mrs Ellison		17 Shorehaven Drive	NOOSAVILLE QLD 4566
N Kingdom		24 Headland Drive	NOOSAVILLE QLD 4566
Bruce & Jill Hankins		1 Shipwright Avenue	NOOSAVILLE QLD 4566
Susan Rodgers		37 Saltwater Avenue	NOOSA WATERS QLD 4566
G Moore		22 Shorehaven Drive	NOOSAVILLE QLD 4566
Antonie & Marie Evans		2 Figurehead Court	NOOSAVILLE QLD 4566
S Wilkins		7 Helm Court	NOOSA WATERS QLD 4566
Gavin Clatter		7 Helm Court	NOOSA WATERS QLD 4566
Katie Jacques		29 Saltwater Avenue	NOOSAVILLE QLD 4566
Adrian & Helen Lawson		53 Saltwater Avenue	NOOSA WATERS QLD 4566
Marion Johnson		10 Helm Court	NOOSAVILLE QLD 4566
Gerard Johnson		10 Helm Court	NOOSAVILLE QLD 4566
Stephen Sharman		7 Shipwright Avenue	NOOSAVILLE QLD 4566
K & K Farrow		56 Saltwater Avenue	NOOSA WATERS QLD 4566
Ann Williams		59 Saltwater Avenue	NOOSA WATERS QLD 4566
Marilon Latimer		2 The Peninsula	NOOSA WATERS QLD 4566
John Bennett		23 Sternlight Street	NOOSA WATERS QLD 4566
John & Hilary Andrew		5 Shipwright Avenue	NOOSAVILLE QLD 4566
Philip & Sharon Collison		11 Shorehaven Drive	NOOSAVILLE QLD 4566
Gerald Schofield		14 Shorehaven Drive	NOOSAVILLE QLD 4566
Mr / Ms Klarie		1 Shorehaven Drive	NOOSAVILLE QLD 4566
Nina Schiller		4 Oceanmist Court	NOOSAVILLE QLD 4566
Lysette Van-Dooren		46 Shorehaven Drive	NOOSAVILLE QLD 4566
TJ & KW Mill		50 Saltwater Avenue	NOOSAVILLE QLD 4566
M Grant		12 Genoa Court	NOOSAVILLE QLD 4566
GN Niven		28 Shorehaven Drive	NOOSA WATERS QLD 4566
Mr & Mrs P Tooth		21 Shorehaven Drive	NOOSA WATERS QLD 4566
Barbara Daly		76 Saltwater Avenue	NOOSAVILLE QLD 4566
Debra McGhee		17 Seagull Court	NOOSAVILLE QLD 4566
Trevor Williams		7 Figurehead Court	NOOSA WATERS QLD 4566
Gayle McGetrick		74 Shorehaven Drive	NOOSAVILLE QLD 4566
David Croucher		11 Saltwater Avenue	NOOSAVILLE QLD 4566
J Zemler		27 The Peninsula	NOOSAVILLE QLD 4566
David & Lyn Carter		5 Seashell Place	NOOSAVILLE QLD 4566
Gisa Weatherill	Principal Petitioner	6 Seagull Court	NOOSA WATERS QLD 4566
Eenie Creek Rd Development Working Group	CARE Noosa Waters Residents Association	PO Box 197	NOOSAVILLE QLD 4566
Monique Sorensen		49 Saltwater Avenue	NOOSAVILLE QLD 4566
Vicky C Williamson		119 Shorehaven Drive	NOOSA WATERS QLD 4566

Ian Williamson		119 Shorehaven Drive	NOOSA WATERS QLD 4566
A & B Hughes		10 Shorehaven drive	NOOSAVILLE QLD 4566
JE & MA Davies		3 Oceanmist Court	NOOSAVILLE QLD 4566
Peter Wright		7 Oceanmist Court	NOOSAVILLE QLD 4566
K Fudala		5 Shorehaven Drive	NOOSAVILLE QLD 4566
RL Falkner & J Wright		9 Neptune Circuit	NOOSAVILLE QLD 4566
Robert Harvey		47 The Anchorage	NOOSA WATERS QLD 4566
Barbara Harvey		47 The Anchorage	NOOSA WATERS QLD 4566
JD & IS Jamieson		18 Seamount Quay	NOOSA WATERS QLD 4566
Gary & Bev Trevethick		7 Masthead Quay	NOOSAVILLE QLD 4566
Carol Symington, President	Noosa Waters Residents Association	PO Box 197	NOOSAVILLE QLD 4566
John Evans		2 Seacove Court	NOOSAVILLE QLD 4566



Appeal Rights

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT APPLICATION

The following is an extract from the *Integrated Planning Act* (Chapter 4).

Division 8 - Appeals to court relating to development applications

Appeals by applicants

4.1.27.(1) An applicant for a development application may appeal to the court against any of the following-

- (a) the refusal, or the refusal in part, of a development application;
- (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;¹
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a currency period;
- (e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Appeals by submitters

4.1.28.(1) A submitter for a development application may appeal to the court about-

- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
- (b) the length of a currency period for the approval.

(2) The appeal must be started within 20 business days (the “**submitters appeal period**”) after the day the decision notice or negotiated decision notice is given to the submitter.

(3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

(4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

(5) If an application is processed under section 6.1.28(2), appeal rights for submitters for the application are available only for the aspects of the development that would have required public notification under the repealed Act.

(6) If an application involves assessment against a concurrence agency code, appeal rights for submitters for the application are not available against the part of the approval that represents the concurrence agency’s response for the code.

Appeals by advice agency submitters

4.1.29.(1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if-

- (a) the development application involves impact assessment; and
- (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.

(2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

Appeals for matters arising after approval given (co-respondents)

4.1.30.(1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice-

- (a) a notice giving a decision on a request for extension of the currency period for an approval;
- (b) a notice giving a decision on a request to make a minor change to an approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application under a superseded planning scheme.

(4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.

(5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

4.1.31.(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice-

- (a) a notice giving a decision on a request to change or cancel a condition of a development approval.

¹ Section 3.1.6 (Preliminary approval may override local planning instrument)

(b) a notice under section 6.1.44² giving a decision to change or cancel a condition of a development approval.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

Appeals against decisions to change approval conditions under the repealed Act

4.1.33A.(1) A person who is dissatisfied with a decision made on an application to change the conditions attached to an approval given under section 2.19(3) or section 4.4 of the repealed Act may appeal to the court against-

(a) the decision; or

(b) a deemed refusal of the application.

(2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is to be given to the person.

(3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals against local laws

4.1.33B.(1) An applicant who is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure permitted by the planning scheme may appeal to the court against the decision or the conditions applied.

(2) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

² Section 6.1.44 (Conditions may be changed or cancelled by assessment manager or concurrence agency in certain circumstances)