

AGENDA

Special Meeting

Monday, 28 October 2019

commencing at 10am

Council Chambers, 9 Pelican Street, Tewantin

**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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REPORTS

1 RAL18/0023 - DEVELOPMENT APPLICATION TO RECONFIGURE A LOT (1 LOT INTO 24 LOTS), AT 28 EENIE CREEK ROAD, NOOSAVILLE

Author Coordinator Planning, Patrick Murphy
Environment and Sustainable Development

Index ECM/ Application/ RAL18/0023

Attachments

1. Existing lot layout
2. Proposed lot layout
3. Master Plan Stage 1 *(Note: 29 pg attachment provided separately to this report)*
4. Master Stage Plan 2 *(Note: 32 pg attachment provided separately to this report)*

APPLICATION DETAILS

Applicant	Stockwell Building & Development
Proposal	Reconfiguring A Lot – 1 lot into 24 lots
Properly Made Date	26 November 2018
Information Request Date	21 December 2018
Information Response Date	26 April 2019
Decision Due Date	31 October 2019
Number of Submissions	Nil

PROPERTY DETAILS

Property Address	Noosa Civic 28 Eenie Creek Rd Noosaville Qld 4566
RP Description	Lot 3 SP 246584
Land Area	31.73 hectares
Existing Use of Land	Noosa Civic shopping centre, showrooms, offices and undeveloped land

STATUTORY DETAILS

SEQRP Designation	Urban Footprint
Locality	Noosaville
Zone	Shire Business Centre
Overlays	Biodiversity Overlay: Environmental Enhancement Area, Environmental Protection Area, Koala Habitat Area and Riparian Buffer Natural Hazard Overlay: Bushfire and Acid Sulfate Soils (Low Potential)
Assessment Type	Code

RECOMMENDATION

That Council note the report by the Coordinator Planning to the Special Meeting dated 28 October 2019 regarding Application No. RAL18/0023 for a Development Permit for Reconfiguring A Lot – 1 lot into 24 lots, situated at Noosa Civic, 28 Eenie Creek Road, Noosaville and:

A. Refuse the application for the following reasons:

1. The proposal is contrary to schedule 11, part 2, section 7 of the Planning Regulation 2017 as the development is situated in a koala assessable development area and does not avoid clearing non-juvenile koala habitat trees in circumstances in which any significant residual impact of the clearing is unable to be offset.
2. The proposal is contrary to the State Planning Policy as the proposed development will adversely impact on koala habitat, with koala populations recognised as being matters of both national and state environmental significance.
3. The proposal is contrary to the State Planning Policy as the proposed development hinders disaster management response or recovery capacity and capabilities.
4. The proposed development is contrary to the Overall and Specific Outcomes of the Noosaville Locality Code as:
 - i. The proposed subdivision and lot sizes are not suitable for the planned future use of land and compromise the ability to achieve the code's outcomes for a park like setting.
 - ii. The proposal does not provide a lot for the planned inter-regional transit facility, potentially compromising the future provision of this important community facility.
 - iii. The proposal does not provide a satisfactory pedestrian and cycle network for the future development of the area and fails to provide satisfactory linkages with the existing development in the Shire Business Centre.
 - iv. The proposal fails to ensure a high level of residential amenity as it does not provide for acoustic fencing to lots 17, 18 and 19.
 - v. The proposal will adversely impact on the site's environmental values.
5. The proposed development is contrary to the Biodiversity Overlay Code as the proposal will adversely impact on koala habitat, does not maximise the retention of existing vegetation, and proposes to prematurely clear significant vegetation inconsistent with the needs of the community.
6. The proposal includes clearing of significant vegetation as part of the proposed measures for bushfire and stormwater management contrary to the purpose of current environmental covenants registered over the site.
7. The proposed subdivision is contrary to the Reconfiguring a Lot Code as:
 - i. The proposal includes lots which are smaller than the minimum lot size required for the Shire Business Centre and the area and shape of these lots are not appropriate for their intended use, with some lots highly constrained by bushfire mitigation measures and access requirements.
 - ii. The proposed access to lot 2 is not suitable and appropriate as it forms a cross intersection within the site.
 - iii. Insufficient provision has been made for walking, cycling and public transport facilities and linkages with the existing development in the Shire Business Centre.
 - iv. The proposal does not include a strategy or plans to retain vegetation or significant trees for the future development of the proposed lots.

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8. The proposed development is contrary to the Natural Hazards Overlay Code as bushfire mitigation measures do not satisfactorily address the risk of bushfire, are inappropriate and potentially place a burden on Council and National Parks and Wildlife Services, given the area contains vegetation classified as very high potential bushfire hazard.
 9. The proposed road layout is unsatisfactory in the following respects:
 - i. It does not satisfactorily accommodate design vehicle movements for the planned uses for the area with particular reference to Road B;
 - ii. The proposed private road, between lots 3 and 7, is of an insufficient width to satisfy its intended main street function, contrary to the Transport, Roads and Drainage Code and the draft planning scheme;
 - iii. Access to the potential transit area has not been satisfactorily demonstrated;
 - iv. The access location for lot 2 is unsatisfactory from a traffic perspective;
 - v. The proposed geometry of the access to the Walter Hay Drive roundabout from lots 23-25 is unsatisfactory.
 10. The proposed stormwater management strategies involving bio-retention basins are in some respects inappropriate causing additional clearing of vegetation which is unacceptable. The proposed strategies are otherwise contrary to the Water Sensitive Design Code and Reconfiguring a Lot Code.
 11. The proposed development is contrary to the draft Noosa Plan provisions, which reinforce the current Noosa Plan's requirements for appropriate access to lots, pedestrian/cycle links, provision for a transit facility, protection of the site's environmental values, vegetation retention, and to appropriately respond to the site's natural hazards.
- B. Note the report is provided in accordance with Section 63(5) of the Planning Act 2016.
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REPORT

1. PROPOSAL

The proposed development seeks to reconfigure the Shire Business Centre (SBC) into 24 lots. The submitted layout retains the existing shopping centre, offices, service station and showrooms within proposed lot 1 and subdivides the remaining area of the site. The proposed lots range in size from 2307m² to 13.229ha. The applicant has advised that it is intended to release all lots for sale with the exception of lots 3 and 7 which the applicant intends to develop. The proposal also includes the extension of Hofmann Drive in an easterly direction to connect with Walter Hay Drive. A new private internal road is proposed connecting the existing internal road with the Hofmann Drive extension by running in north/south direction between lots 3 and 7. An additional private road off the Hofmann Drive extension is proposed to service lots 10 to 16.

Easements and covenants are proposed throughout the site as detailed below:

- To the west and south of lots 12 -15 for bushfire protection;
- To the south and east of lot 22 for access; and
- Within lots 23 -25 for the purpose of access with a 20 metre wide bushfire setback covenant for bushfire protection.

Access to proposed lots 23 -25 is off the existing roundabout via an existing Energex easement.

The application proposes to remove all vegetation on all lots other than lots 3 and 7, apart from a 10 metre wide strip to the south of these lots which is proposed to be removed for bushfire protection purposes.

Recent vegetation removal has occurred throughout the site determined by the applicant to be 'essential urgent bushfire management'. The removal of vegetation occurred essentially along the same alignment as the areas defined by the proposed Hofmann Drive extension, the proposed new private road dissecting Lots 3 and 7, to the proposed bushfire covenant area to the west and south of lots 12 -15 and to the northern boundary of proposed lots 23 -25. This is discussed further in the Bushfire Management section of this report.

The following table details the proposed lot sizes:

Lot No.	Lot size	Lot No.	Lot size
1	13.229ha	2	9550m ²
3	4.188ha	4	2365m ²
5	2307m ²	6	2473m ²
7	2.963ha	8	3257m ²
9	3219m ²	10	4704m ²
11	4999m ²	12	7972m ²
13	4117m ²	14	4005m ²
15	4247m ²	16	4339m ²
17	3719m ²	18	3243m ²
19	3147m ²	21	3820m ²
22	3827m ²	23	5055m ²
24	6079m ²	25	1.497ha

Table 1: Proposed lot sizes

The map shows a complex arrangement of land parcels, roads, and geographical features. Key roads include 'HOFMANN DRIVE', 'RENE STREET', 'WALTER DRIVE', and 'HAY DRIVE'. Land parcels are labeled with numbers (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 25) and various codes (e.g., Emt U, Emt S, Emt P, Emt R, Emt M, Emt N, Emt A, Emt C, Emt B, Emt E, Emt V, Emt W, Emt D, Emt F, Emt G, Emt H, Emt I, Emt J, Emt K, Emt L, Emt M, Emt N, Emt O, Emt P, Emt Q, Emt R, Emt S, Emt T, Emt U, Emt V, Emt W, Emt X, Emt Y, Emt Z). The map also shows 'Eenie Creek' and 'Weyba'. The map is divided into sections by roads and boundaries, with some areas labeled 'See Diagram A', 'See Diagram B', 'See Diagram C', and 'See Diagram D'. The map includes a scale bar and a north arrow.

Figure 1: Proposed lot layout

The applicant provided the following table to demonstrate the staged release of the proposed new lots, staging was initially proposed to commence in August 2019 and all lots with the exception of lots 3 and 7 were to be released over a four month period.

USE	EXAMPLES	LOTS	LOT SIZE (m ²)	INDICATIVE FLOORSPACE	RELEASE TO MARKET	NOTIONAL DA	NOTIONAL CONSTRUCTION START
Residential	Range and mix of housing types, predominantly small dwellings	23,24, 25	5055, 6079, 14970	11,746sqm	August 2019	April 2020	August 2020
Business Park	Commercial office and professional services including digital economy, health and wellbeing, education, research and technology industries.	4,5,6	2365, 2307, 2473	5,716sqm	October 2019	April 2020	September 2020
Business Park	Commercial office and professional services including digital economy, health and wellbeing, education, research and technology industries.	8,9	3257, 3274	5,224sqm	October 2019	April 2020	September 2020
Innovation	Uses that promote knowledge creation and entrepreneurship in industry, research and development, science and technology	10-16	4733, 4999, 7972, 4117, 4005, 4247	9,021sqm	November 2019	September 2020	January 2021
Residential	Range and mix of housing types, predominantly small dwellings	17-21	3719, 3243, 2850, 4117	9,053sqm	September 2019	June 2020	January 2021

Table 2: Applicant's proposed market release staging

The existing and proposed lot layouts are included in **Attachments 1 and 2**.

The following images provide a locality plan.



Figure 2: Locality plan (broad scale)



Figure 3: Locality plan (local scale)

2. SITE DETAILS

2.1. Background

The intended form for the development of the site was originally identified through a master plan process nominated by the 1997 Strategic Plan. Master plans (MP1 and MP2 attached – **Attachment 3** and **4**) were developed in consultation with the owners of the site, various external consultants and the community to achieve the aim of the Strategic Plan and to inform the development of the Noosa Plan. When the Noosa Plan was created in 2006 it captured MP2 via the inclusion of various provisions under the Noosaville Locality Code and the current master plan within the Noosa Plan known as the Shire Business Centre precinct map (see figure 9 page 16).

The site has partly been developed with the Noosa Civic established in October 2006 as Stage 1. Stage 1 involved the establishment of a discount department store based shopping centre of approximately 23,900m² gross floor area, along with 7,200m² gross floor of retail showrooms, a service station and 4,925m² gross floor area of commercial office space. As part of the approval for Stage 1, Lot 3 SP182845 was dedicated as open space to the State.

In 2003, the applicant entered into an Infrastructure Agreement which in part provided for infrastructure items to be provided by the applicant for the existing and future development of the land in total. The agreement also included dedication of land as road reserve and for public open space purposes. Furthermore, the agreement provided that there would be no requirement for contributions to be paid (by way of conditions imposed on any application) nor pay infrastructure charges associated with the future development of the land provided that the intensity of development of a future stage did not exceed that envisaged by MP2.

A Stage 2 development was approved by Council in 2008 and comprised four office buildings with a combined gross floor area of 7,701m². This development never proceeded and has since lapsed.

A development application for a major shopping centre expansion proposal was lodged with Noosa Council in 2007 and ultimately decided by Sunshine Coast Council. The development was referred to as Noosa Civic Stage 3 and involved a 41,050m² expansion to the existing shopping centre, comprising 35,850m² of additional retail floor space and 5,200m² of commercial office space. The development's location occupied most of SBC Precinct E1 and extended further to the east toward Walter Hay Drive and occupied most of Precinct E6.

Sunshine Coast Council refused the application at its Ordinary Meeting of 4 June 2009. The decision was appealed by the applicant (Planning & Environment Court appeal ref. 182/09) and a number of parties elected to become co-respondents to defending the appeal. The case proceeded to trial but the appellant subsequently discontinued the appeal in May 2011 partway through the trial. The applicant and owner at the time subsequently sold the site to QIC early in 2012.

A further application for a major expansion of the shopping centre was lodged by QIC with Council in January 2015. The application sought approval for a major expansion of the Noosa Civic shopping centre involving 32,525m² of additional floor area and 22,870m² of gross leasable area, 66 new commercial tenancies were proposed, comprising 2 supermarkets, a discount department store, specialty stores, food outlets and restaurants. The expansion was proposed at the eastern end of the existing shopping centre, where the existing food court is located. Some reconfiguration of that end of the existing centre was also proposed. Notably the application included contributions to offset the loss of koala habitat at the time as the proposed development was of a greater intensity than that envisaged by MP2.

Noosa Council refused the application at its Ordinary Meeting on 24 September 2015 citing 10 reasons. An appeal was lodged with the Planning and Environment Court on 23 October 2015 by the applicant. The Planning and Environment Court upheld Council's refusal on 16 December 2016 with the judgement concluding that that the combination of conflicts outweighed the grounds advanced by the appellant, including:

- (i) *the negative traffic implications;*
- (ii) *the likely negative outcomes for the intended "Civic" area;*
- (iii) *the bulk and scale of the proposed development insofar as it could result in more intensive development and that it does not enhance or form an extension of OS7/ Covenant J;*
- (iv) *the likely overestimation of the need for and the extent and variety of speciality shops;*
- (v) *the likely negative impacts on the Noosa Junction Centre; and*
- (vi) *the substantive conflict between long term proposed use and mix of uses intended for the SBC, at its centre or core.*

2.2. Infrastructure Agreement

The application material states the Infrastructure Agreement negates the need to provide any additional contributions for nature conservation, which includes native habitat removal with respect to koalas.

It is noted the Infrastructure Agreement was made in 2003 and the Environmental Offset Act came into effect in 2014 with the Planning Regulations coming into effect in 2017. This was raised with the applicant in the Information Request at which time the applicant was requested to provide evidence to support the applicant's position that under the Infrastructure Agreement no further contributions, including provisions of offsets in accordance with the Environmental Offset Act 2014, are required to be provided. Specifically it was requested that the applicant provide written advice from the administering body of the Environmental Offset Act 2014, Department of Environment and Science, that the proposed development is not required to provide koala offsets.

The applicant did not provide written advice from the Department of Environment and Science instead providing legal advice which in part concluded that Council could not impose an environmental offset condition on approval of the Development Application. Consequently, council officers sought legal advice which concluded that Council is precluded from imposing contributions of a financial nature or require land dedications in respect of environmental considerations on future development stages of the SBC. The advice confirmed that this is the consequence of the agreement reached with the then applicant at the time of the first stage approval of the SBC on the basis that future development was not of a greater intensity than MP2. However, council's planning solicitor also advised that while the Infrastructure Agreement precludes financial contributions, it does not and should not preclude full consideration of the impact any development proposal may have on koala habitat, state and local planning requirements.

2.3. Site Description

The site is part of Lot 3 SP 246584 located at 28 Eenie Creek Road, Noosaville. The lot is irregularly shaped and approximately 31.73ha in area. The following image is of the current title:

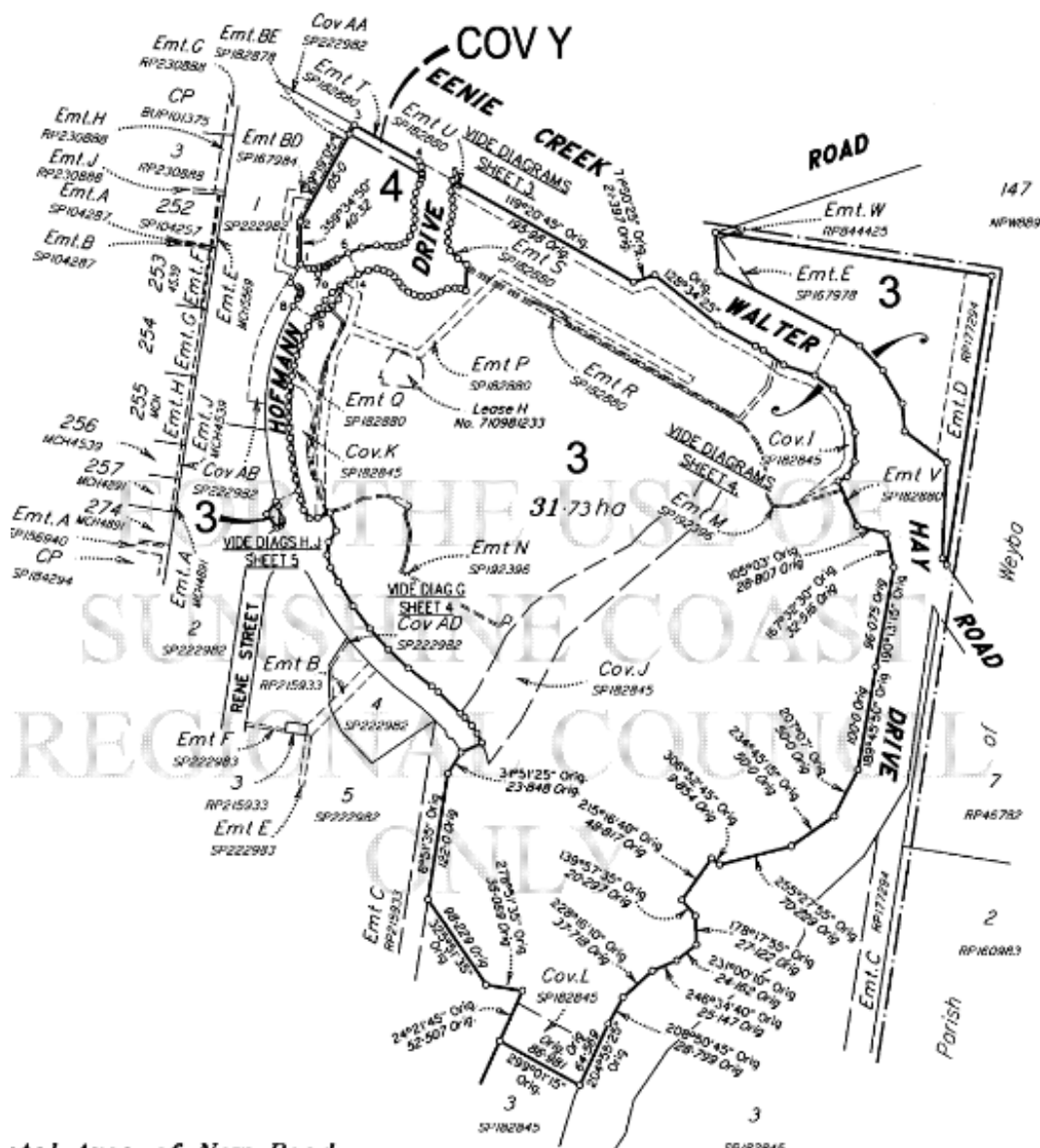


Figure 4: Current title

The site has frontages to Eenie Creek Road (approximately 730m) and Walter Hay Drive (approximately 1,030m), which both form part of the major road network identified by The Noosa Plan. Neither of the roads are State controlled. Vehicular access to the site is currently provided from Eenie Creek Road, Walter Hay Drive and Hofmann Drive, with both intersections functioning as roundabouts. An additional roundabout intersection has been constructed on Walter Hay Drive at the southern end of the site in anticipation of future development. Pedestrian and cyclist access to the site is primarily provided via a path from the Eenie Creek Road frontage, with pedestrian/cycle tunnels constructed under both Eenie Creek Road and Walter Hay Drive. The site is within a few kilometres of secondary activity centres at Tewantin, Noosaville and Noosa Junction. The Noosaville industrial estate is located to the immediate west of the site, with a large retirement village located to the north, with the North Weyba section of the Noosa National Park and Lake Weyba to the east. At a regional scale, the site is located approximately 27km north of Maroochydore, the primary activity centre.

The land is generally flat and gently sloping toward Eenie Creek to the south of the site. The site is part of a system of coastal lowlands that flow to Lake Weyba and the Noosa River. A drainage corridor is also situated on the subject site, running generally in a north east to south west direction to Eenie Creek south of the site. This corridor is identified as precinct OS7 – open space (environmental drainage) by the precinct plan for the SBC and has been created as Covenant J, with Noosa Council as covenantee.

The area of the subject site, which this application proposes to develop, is vacant land and is currently vegetated. The vegetation is intact regrowth vegetation. The vegetation was predominately cleared in 1979, with the development footprint mapped as “regrowth” vegetation for the purposes of the Vegetation Management Act 1999. On-ground surveys have identified remnant patches too small for inclusion in regional ecosystem mapping. The regional ecosystem the vegetation is associated with is predominantly Regional Ecosystem 12.9-10.1, described as Tall open forest. Canopy species include *Eucalyptus resinifera*, *E. grandis*, *E. robusta*, *Corymbia intermedia* +/- *E. microcorys*, *Melaleuca quinquenervia*, *Syncarpia glomulifera subsp. glomulifera* and *Lophostemon confertus*. The dominant canopy tree is *Syncarpia glomulifera subsp. glomulifera* (Turpentine), with other species such as *Eucalyptus resinifera*, *E. grandis* and *Corymbia intermedia* occurring less frequently. The sub-canopy contains representations of the upper canopy, as well as *Alphitonia excelsa*, *Melaleuca salignus* and *Cryptocarya glaucescens*.

Under the Vegetation Management Act, there are no regional ecosystems listed as ‘Endangered’ known to occur at the SBC site. There are also no recorded flora species found on the site that are listed as vulnerable or endangered under the Nature Conservation Act 1992 or the Environment Protection and Biodiversity Conservation Act 1999. Further, no nationally significant fauna species have been recorded recently within the site by the applicant; however national significant fauna species have been recorded in the vicinity of the site, with 1 of these within the immediate locality being the Koala.

This area between the SBC and Eenie Creek has been retained as natural vegetation providing habitat for these species and buffering Eenie Creek from development. This conservation allocation was done as part of Stage 1 development of SBC and is identified as Lot 3 SP182845 and has a total area of 11.15 hectares.

Four parts of the site are subject to a statutory covenant, which seek to preserve existing native vegetation on the land. The covenanted areas generally correspond with open space precincts OS3, OS5 and OS7 as identified on the precinct plan for the SBC (refer figure 9, pg. 16), OS3 being for visual amenity. Notably the terms of the covenant provide that existing vegetation is preserved, however the covenant does allow that fixtures, buildings, structures or paths may be constructed within the covenanted areas where shown on plans approved by Council. In summary, any proposed intrusion by development into covenanted areas which seek to be protect visual amenity and vegetation may be only occur in accordance with Council approval.

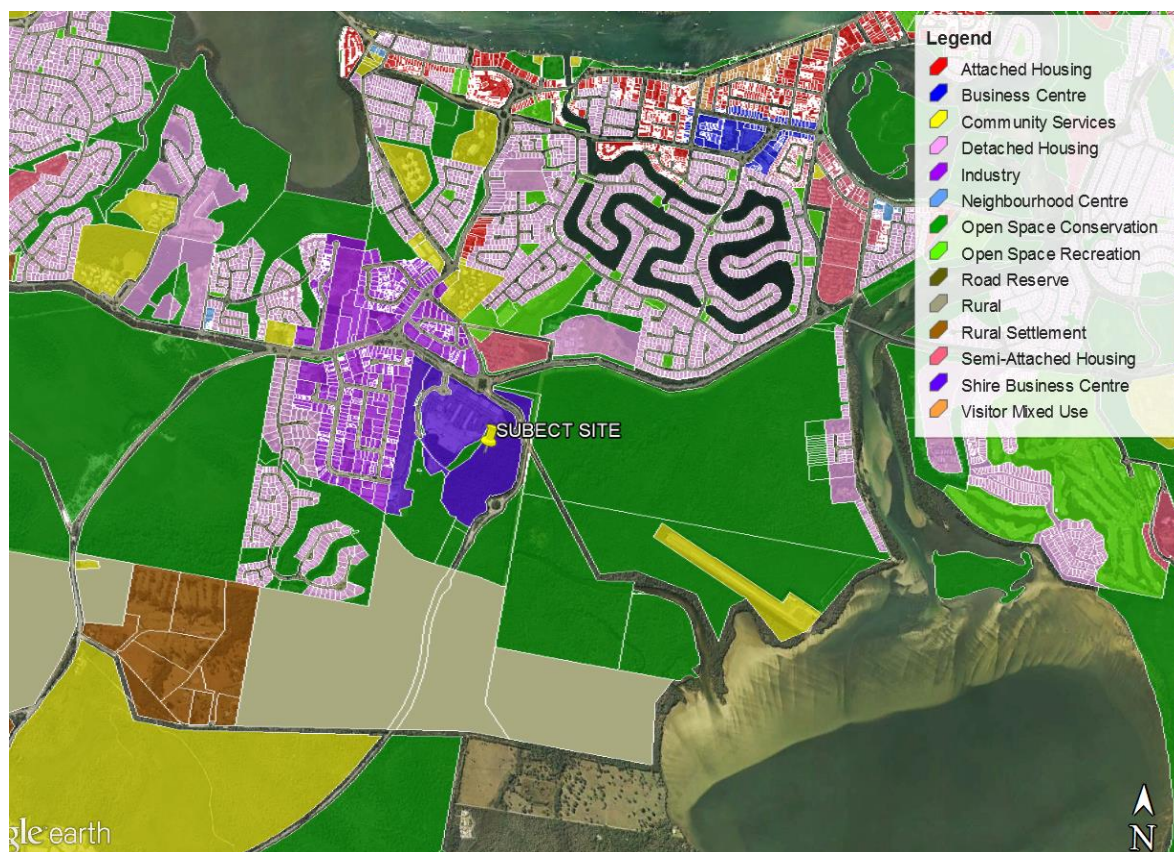


Figure 5: Zoning Map



Figure 6: Aerial Photograph of Site and Surrounds

2.4. Surrounding Land Uses

The Noosaville industrial estate is adjacent the site to the west, with Rene Street extending into the SBC and connecting to Hofmann Drive. The estate contains a broad mix of industrial and business uses. Adjacent lots within the SBC to the west and south west of the site fronting Hofmann Drive and Rene Street have been developed for warehousing, storage, distribution, manufacturing and trade showroom uses. Lionel Donovan Drive is to the north of the site, across Eenie Creek Road, and is predominantly developed for motor vehicle sales businesses and complimentary industrial business uses. Noosa Domain retirement village is north of the site across Eenie Creek Road. Substantial open space and conservation lands containing remnant vegetation are adjacent the site to the south and east and conserved in National Park or Environmental Reserve, with Eenie Creek approximately 500m to the south flowing to Lake Weyba 1.5km to the southeast.

3. ASSESSMENT

3.1. Instruments for Statutory Assessment

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

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

3.2. State and Other Statutory Instruments

State Planning Policy

Biodiversity

The State Interest is *“Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes”*.

Benchmark 1 requires *“development is located in areas to avoid significant impacts on matters of national environmental significance and considers the requirements of the Environment Protection and Biodiversity Conservation Act 1999.”*

Benchmark 2 requires *“Matters of state environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised”*.

Benchmark 5 specifically addresses koala habitat by requiring *“Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition”*.

As the proposal would result in the removal of koala habit it does not comply with item 1, 2 and 5 of State Interest- Biodiversity of the State Planning Policy July 2017.

Natural Hazards

The proposed development fails to meet the assessment benchmarks for natural hazards, risk and resilience. Council’s bushfire consultant advises Benchmark 4 *Development supports and does not hinder disaster management response or recovery capacity and capabilities* is not adequately addressed.

South East Queensland (SEQ) Regional Plan

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

Planning Regulation 2017

The following assessment benchmarks from the *Planning Regulation 2017* apply to the application:

- Koala Habitat Area

The Planning Regulation 2017 provides assessment benchmarks for development in koala habitat areas including requirements to minimise the impact on koala habitat.

The subject lot is mapped as Koala Assessable Development Area containing Bushland Habitat by State Planning Regulatory Provisions mapping (Fig 7). The lot is mapped as Bushland Habitat for Koalas according to the State Planning Policy. Based on the State Planning Regulatory Provisions mapping, the site subject to the proposed subdivision contains 15.65 ha mapped as Bushland Habitat for koalas.

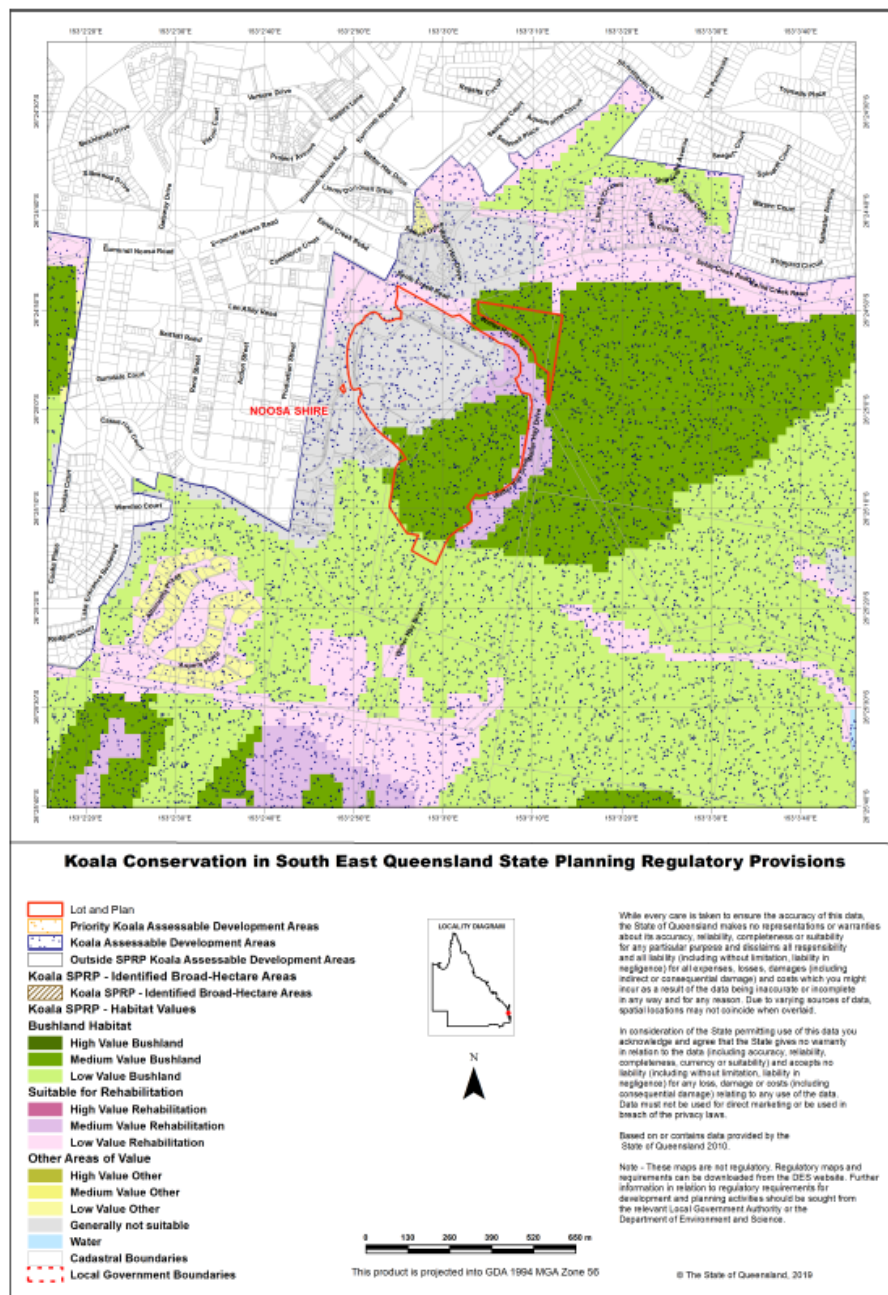


Figure 7: SEQ SPRP Koala Conservation Map

The applicant's ecological report has stated Koalas utilisation of the site is "*unlikely due to the habitat not being particularly favourable. It is possible the koala occurs in surrounding more suitable habitat and could occasionally wander onto the subject land.*" The majority of the main canopy species on the site are known koala food trees.

Given the size of the land and the location of suitable non-juvenile koala food trees, koalas are likely to utilise the area for feeding purposes. A recent Koala Corridor study, commissioned by Council, has reported koalas immediately adjacent to the site and within 500m of the site on a number of occasions.

The Planning Regulation 2017 requires development to avoid clearing non-juvenile koala habitat trees, and where clearing cannot be avoided, the clearing is minimised with any unavoidable clearing to be offset.

Using the methodology of the Queensland Government Environmental Offset calculator the quantum of the offset should be balanced against the previously dedicated land for environmental purposes. This land has an area of 11.15 ha and is identified lot 3 on SP182845. An area of 1.87 ha was also registered as environmental covenants, totally 13.02 ha of land set aside for environmental purposes, including habitat for koalas. Notably some of the covenant areas are likely to be reduced due to the required pedestrian linkages and the proposed bushfire clearing.



Figure 8: 11.15 ha Park Dedication Lot 3SP182845 (Red Outlines)

The 13.02 ha originally dedicated for environmental purposes occurred at the first stage of the development, the first stage developing 40% of the entire site. The remaining area to be developed represents approximately 60% of the lot. Proportioning the dedicated land based on these percentages equates to 5.2 ha dedicated for the existing development (stage 1) and 7.8 ha attributed to the area proposed to be subdivided.

There is approximately 13 ha of koala habitat area proposed to be cleared to enable the proposed subdivision, taking into account the previous bushfire clearing of approximately 2.65ha undertaken in 2018. The Queensland Government Environmental Offset calculator prescribes a total offset area of 39 ha. When taking into account the previously dedicated area of 7.8 ha attributed to the undeveloped portion of the site, an approximate offset area of 31.2 ha is required to satisfy the Schedule 11 of the Planning Regulation 2017. The total land set aside for environmental purposes is deficient to meet the current requirements of Schedule 11 of the Planning Regulations 2017 for clearing koala habitat area.

Should the applicant elect to pay a financial contribution, the Queensland Government Environmental Offset calculator prescribes an estimated financial offset amount of \$1,190,904 for an offset area of 31.2 ha.

The Planning Regulation 2017 requires that any significant residual impact be addressed prior to vegetation clearing being undertaken.

3.3. Statutory Instruments – Planning Scheme

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

- Noosaville Locality Code
- Reconfiguring a Lot Code
- Landscaping Code
- Engineering Works Codes including Water Sensitive Design Code

Locality Provisions

The subject site is located in the Noosaville Locality and is zoned Shire Business Centre Zone. The zone is further broken down into precincts, with the proposed reconfiguration extending across Precincts E1, E2, E6, E7, REC/MU and the eastern and western extents of B3, as shown in the following Business Centre Map.

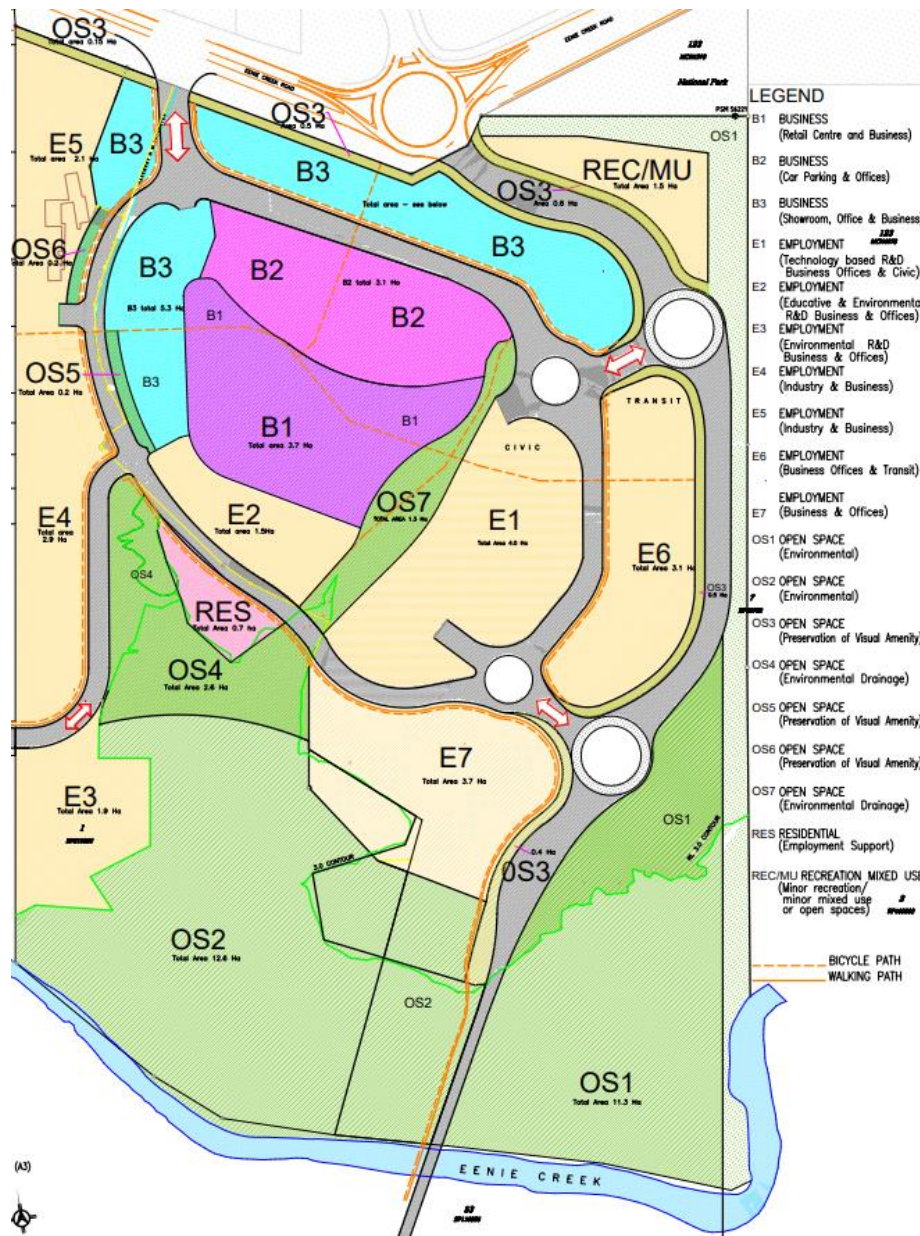


Figure 9: Shire Business Centre Map

The Noosaville Locality Code contains a range of Overall and Specific Outcomes which are relevant to the assessment of this application including outcomes which are specific to the Shire Business Centre zone.

The relevant Overall and Specific Outcomes are:

11.7.2 *The overall outcomes sought for the Noosaville Locality are the following—*

- a) *New uses and works are located, designed and managed to—*
 - i *be compatible with other uses and works;*
 - ii *maintain the safety of people and works;*
 - iii *avoid significant adverse impacts on the amenity enjoyed by users of other premises or surrounding area, including acoustic and visual qualities; and*
 - iv *avoid significant adverse effects on the natural environment, including native habitat removal, fragmentation and attrition;*

- ii) *Areas of native remnant or regrowth vegetation, including their biodiversity and habitat values are protected and retained in their natural state;*
- tt) *For the Shire Business Centre Zone—the Shire Business Centre—*
 - i *is a Major Activity Centre for the purposes of the SEQ Regional Plan, and the principle(sic) business centre for Noosa, servicing Noosa-wide business and employment needs by providing for a wide range of Business Uses as well as administrative, community, and open space functions;*
 - ii *is a multi-function employment node forming the major focus of employment growth in the coastal area of Noosa;*
 - iii *follows a logical sequencing of development consistent with the needs of the community that is dependent on the—*
 - A) *timing and construction of the external and internal road systems;*
 - B) *dedication of a substantial area of open space; and*
 - C) *development of a substantive amount of non-retailing development for employment opportunities beyond Retail business;*
 - iv *is developed at a low scale and density with distinctive and unique design elements, determined by the setting and recognisable as a Noosa development;*
 - v *comprises buildings of low rise form separated by attractive and low key informal spaces that are integrated with landscaping and open space areas;*
 - vi *has an outdoor focus, particularly for Retail business uses, office uses and Community Uses;*
 - vii *provides for an inter-regional transit facility that functions as an integrated public transport node, with pedestrian and bicycle paths and appropriate external connections;*
 - viii *provides visual and physical connectivity across and throughout the site;*
 - ix *is designed to ensure that peak traffic flows and access to the Shire Business Centre do not impact on the wider functions of Eenie Creek Road and Walter Hay Drive;*
 - x *retains development capacity within the Shire Business Centre in the longer term to take advantage of potential new employment opportunities;*
 - xi *is developed into precincts, as depicted on Schedule 4 - Shire Business Centre Map, which include a dynamic mix of development with an appropriate integration of uses within each, including—*
 - A) *Business Precincts (B1-B2), which provide for the highest order of retail development in Noosa and comprises the retail core of the Shire Business Centre site, with associated car parking generally located with Precinct B2;*
 - B) *Precinct B3, which provides for showroom and office development;*
 - C) *Employment Precincts (E1-E7) for future employment growth, which include 3 precincts (E1, E2, E3) with preferred themes to allow these precincts to take advantage of new employment opportunities;*
 - D) *a civic area located within Precinct E1, which provides for a range of civic uses and functions;*
 - E) *an inter-regional transit facility in Precinct E6;*

- F) a Residential Precinct (RES), which provides residential support accommodation to the other key precincts; and
- G) a Minor Recreation/Minor Mixed Use/Open Space Precinct (REC/MU), developed for the purposes of a minor recreation use or minor mixed-use development;
- O100 Pedestrian and bicycle paths are constructed throughout the Shire Business Centre site, with appropriate external connections provided;
- O101 Pedestrian and bicycle movements between key nodes within the Shire Business Centre site are designated to minimise the need to cross over roads and where road crossovers are necessary, central refuges are provided.
- O104 Subsequent development stages provide for the—
- a) completion of the access intersections leading into the Shire Business Centre site;
 - b) completion of further stages of the internal loop road;
 - c) completion of further stages of development within the precincts;
 - d) completion of the pedestrian and bikeway network;
 - e) construction of the link road to the Noosaville Industrial Estate;
 - f) construction of a inter-regional transit facility (public transport node);
 - g) completion of the stormwater management systems;
 - h) completion of landscaping design elements; and
 - i) further dedication of land to public open space.
- O112 Development has strong pedestrian and bikeway connectivity with Precincts B2, B3, E1 and E2;
- O125 Development is designed and sited within a park like setting, with landscape treatment enhancing and forming an extension of the adjoining open space areas;
- O154 The northern section of Precinct E6 contains an inter-regional transit facility;

The proposed re-configuration aligns, or partially aligns, with some of the above Overall and Specific Outcomes in that the proposal makes land available for development and is reflective of the precinct layout envisaged by the current Noosa Plan. Development on the newly created lots would provide for potential new employment opportunities. The proposal also includes the extension of Hofmann Drive in an easterly direction to connect with Walter Hay Drive and the provision of a north/south internal road which connects the existing private road with the Hofmann Drive extension. The new roads will complete the internal link road, deliver improved circulation within the precinct, connectivity from Rene Street to Walter Hay Drive and potentially reduce traffic demand on the northern extent of Walter Hay Drive benefitting the overall external network.

However, while there are some noted benefits the proposal raises other matters which conflict with the relevant Overall and Specific Outcomes, including:

- Bushfire management
- Road layout/Traffic management
- Pedestrian/cycle linkages
- Provision of Transit Centre
- Vegetation removal
- Lot layout and lot size

These matters are further discussed below.

Bushfire Management

Council's Bushfire Mapping assigns a hazard rating of very high bushfire intensity. A Bushfire Management Plan (BMP) has been prepared as part of the application on the basis that the vegetation will be cleared on all lots with the exception of the majority of vegetation within lots 3 and 7 being retained.

The BMP included the following recommendations (in italics):

Lots 12 -15

The area adjoining the environmental reserve at Lots 12 – 15 requires a 20m buffer from development. This land will be cleared and will be used for car parks and access and it is proposed that no building be constructed in this area.

The southernmost section of Lot 12 includes an existing 40 metre wide environmental covenant area. The immediate 20 metres in this environmental covenant will be managed with the following actions:

- *All weeds will be removed.*
- *All understorey up to 6m in height will be removed and the ground fuels maintained at less than 8 tonnes per hectare by manual means which is proposed to be the responsibility of the owner of Lot 12.*

Lots 23 -25:

....any design for development of these lots would require a perimeter road around the eastern and northern boundary to provide adequate separation to achieve a maximum Construction Standard of BAL 29 under AS3959-2018.

The area under the power line be managed as manicured grassland as is the current practice.

The provision of low threat separation up to 20 metres with access and adjoining vegetation with fuel loads of 20+tonnes/ha will confirm that proposed residences will be constructed to Bushfire Attack Levels (BAL) under AS3959-2018 of 29 and less for those lots with greater separation distances.

Energex were an advice agency referral authority as an existing Energex easement is located within proposed lot 23 adjacent to the eastern boundary, the applicant proposes that access for lots 23 -25 be via this easement and that the easement area form part of the bushfire buffer. Energex have advised that they did not object to the application on the basis that any bushfire protection works within the easement are undertaken by the owner of lot 25.

However, Council's consultant bushfire expert advises that the reconfiguring of these lots is not appropriate as no satisfactory secondary emergency egress has been provided from the site so that the eastern end does not present an entrapment constraint. Further advice from Council's consultant bushfire expert states the layout is problematic due to the constrained and singular access into and out of these lots and the proximity of the hazardous vegetation would compromise the safety of people and property from a bushfire event within the Noosa National Park – Weyba Section. This is a similar issue to that which was raised in the recent aged care application for the site which was refused by Council.

Further measures proposed by the applicant's BMP include:

- *Reduction of fuel loads in existing environmental covenant areas for which Council is a covenantee including the clearance of vegetation within Covenant L. The applicant maintains that under section 3.2 and 4.3 of the covenant that vegetation management for fire safety is appropriate and in fact was the original purpose of the covenant area. This management would be restricted to ground fuel management similar to the result of an intermittent fire passing through the area i.e. all ground fuels would be removed and managed but upper canopy of fire safe trees can be retained; and*

- The provision of a detailed management covenant for the Asset Protection Zones of lots 13 -15. This would include acceptable uses and exclusions e.g. concrete parking bays or similar is acceptable and proposed.

The BMP also makes reference to the following fire management measures:

- The patch of vegetation north of Area 2 (Lots 23 -25) in the National Park should be considered for a cooperative hazard reduction burn with National Parks. This would only be needed on a once in 7-10 year cycle.
- The entire Park area south to Eenie Creek should also have management that would include hazard reduction burning.
- The BMP maintains that the use of a Body Corporate system does not improve the effectiveness of the covenant as the required management is detailed in the covenant document for each Lot.

Further, the applicant has recently undertaken significant vegetation removal on the site which the applicant determined to be essential urgent bushfire management. The areas which were cleared are identified in yellow below in Figure 10 and are generally 20 metres wide. There is an existing approved BMP for the SBC and the recent works were not in accordance with this BMP. No approval was obtained from Council prior to the works being undertaken. The extent of the vegetation removal is identified in yellow in the following image with the 20 metre wide clearing generally in an east-west direction.



Figure 10: Essential Bushfire Management clearing plan

Council's consultant bushfire expert has reviewed the applicant's BMP and raised concern with the proposed recommendations of the BMP with regards to the use of a covenant for the Asset Protection Zones of lots 13 -15 and the recommendation for fire management measures to be maintained external to the site, both in the National Park and previously dedicated environmental reserves. Reliance on owners/managers of adjoining public land to provide bushfire mitigation to improve commercial development yields is not considered appropriate in this circumstance, may impact on long term biodiversity outcomes and places an undue burden on the third parties.

Furthermore the use of a covenant raises the following issues:

- How vegetation management will be undertaken in a coordinated and consistent approach and the impacts for the occupier of a lot should an adjoining landowner not comply with the requirements of the covenant.
- The use of a covenant will result in Council being a party to the covenant and potentially responsible for any non-compliance.

The concern with the proposed covenant has been raised with the applicant and it was suggested that the bushfire management area be included either as a road consistent with the Natural Hazards Overlay code or as common property with a body corporate responsible for the bushfire management measures.

The use of covenants and easements to provide suitable bushfire controls relies on all lot owners implementing the control measures to ensure that the purpose of the covenant/easement is achieved. If one lot owner does not comply with the requirements of the covenant/easement they will be placing persons and assets of benefitting lots at risk. It is inadequate that in a very high bushfire hazard area that bushfire control measures be undertaken in an uncoordinated manner, accordingly the bushfire control measures should be managed by one body such as a body corporate.

Accordingly this aspect of the proposal cannot be conditioned as it would change the form of the application. The applicant has indicated they do not support this approach and prefer this issue be managed via a covenant.

With regard to Lots 23-25, Council's bushfire expert has concluded these lots do not minimise the bushfire hazard to people who might work in those lots nor property within those lots. The three lots present significant challenges with regards to disaster management response and as such cannot be supported.

Furthermore, bushfire management within the existing environmental covenant areas is not supported. This is consistent with the assessment of previous applications where all bushfire management requirements have been required to be contained within the site and not external to the site.

Road Layout/Traffic Management

Civil drawings and supporting written documentation was provided with the application supporting the configuration of the new roads and access to the lots. This documentation was reviewed by council's consultant traffic engineer who has identified a number of issues with the proposal. These issues include:

- The driveway for Lot 9 needs to be wider than shown on the plans to satisfactorily accommodate design vehicle movements. The resultant change to the access means that the utility of that allotment for access to a commercial use is unlikely to be suitable.
- The applicant has been advised that Road B (new private road off Hofmann Drive) would need to be to an industrial standard to accommodate the intended uses for these lots with development likely to occur after the implementation of the draft planning scheme. Constructing the road to an industrial standard will impact on the width and geometry of the road. The applicant has not amended the plans to reflect this as the current planning scheme does not prescribe industrial uses for the site.

For Road B to operate in a satisfactory manner with its currently proposed width, parking along both sides of the street would need to be prohibited at all times which is an unsatisfactory outcome. Amending the width of the road will impact on the lot layouts and the access arrangements for these lots.

- The application material has not adequately addressed the private roadway that runs parallel with Walter Hay Drive between lots 3 and 7. The applicant has been requested to provide a 25 metre access easement width for the private road however has only demonstrated a 23 metre width for the road reserve. Furthermore, the proposed access arrangements to lots 3 and 7 do not reflect the road being constructed with access being taken off the ends of temporary ends of that roadway.
- Access to the potential transit area has not been satisfactorily demonstrated. It is considered that rectification of this issue will impact on the proposed Lot 3 boundary location.
- The proposed lot 2 access location is not ideal from a traffic perspective. It undesirably forms a cross intersection just within the site. The cross intersection results in the potential for conflicts between entry and exiting vehicles, both customer and service/delivery.
- The proposed geometry of the egress from lot 23-25 on to the Walter Hay Drive roundabout is not satisfactory as it does not sufficiently slow traffic down for entering the roundabout.

It is not appropriate to approve the application subject to conditions to seek to address the above issues as the conditions would require significant amendments to the current layout including the geometry at intersections, access to lots, lot layout and potentially lot yield.

Public and private roads

The current extent of Hofmann Drive is a public road whilst the existing road located between the showrooms and the shopping centre is a private road. The extension to Hofmann Drive is also proposed to be a public road whilst the north/south extension of the private road and the new road off Hofmann Drive are proposed to be private roads. The following figure identifies the existing and proposed public and private roads within the subject site.

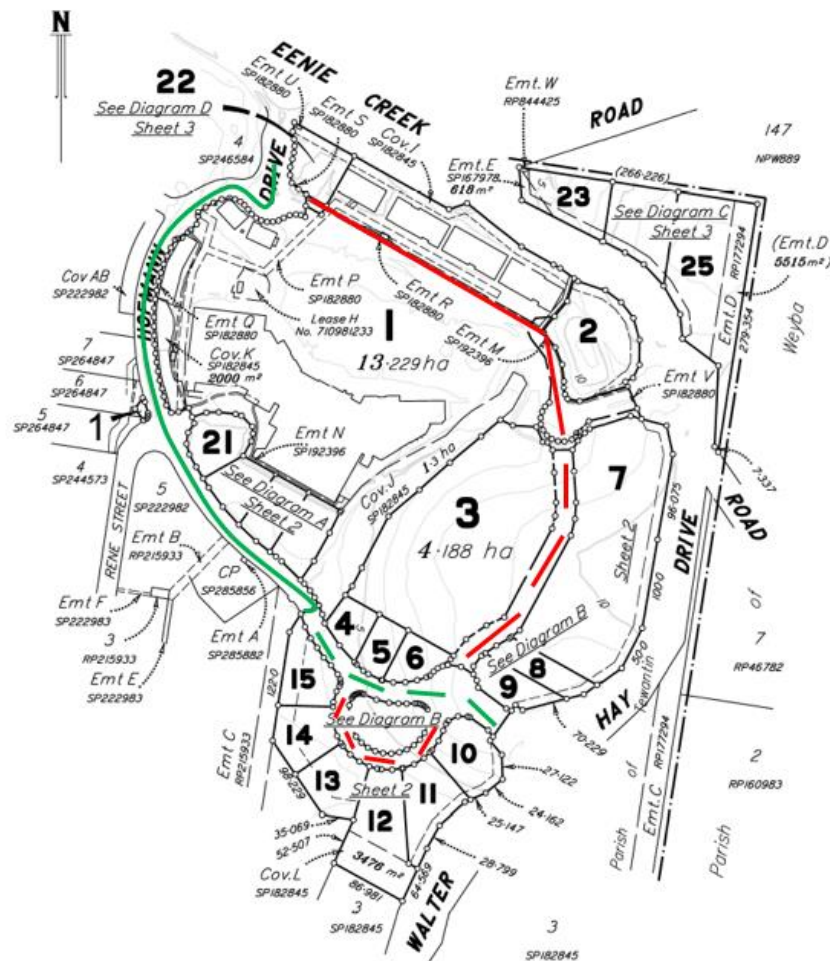


Figure 11: Allocation of existing and proposed public and private roads

Council's Infrastructure Services have confirmed that the proposed distribution of public and private roads by the applicant is supported given the condition of the existing private road, maintenance costs and the appropriateness of Council having a public road servicing a private development. The Hofmann Drive extension was supported as a public road acknowledging the important linkage from Rene Street to Walter Hay Drive.

Pedestrian/cycle linkages

The Shire Business Centre Map includes bicycle and walking paths which provide connectivity within and around the subject site (see figure 9 page 16). The paths include a link from the existing Noosa Civic development to the eastern side of precinct E6, to the west of precinct E1 and north/south connectivity adjacent to the western boundary of precinct E6. As part of the Information Request the applicant was requested to demonstrate how the provision of pedestrian and bicycle paths and external connections from the civic space and transit hub to existing and future development is to be achieved. In response to this request and further discussions regarding pedestrian/bicycle connectivity the applicant provided a review of the existing pedestrian and cycling facilities within the vicinity of the Noosa Business Centre and provided the following pedestrian and cycle network plan.



Figure 12: Noosa Civic Pedestrian and Cycle Network Plan (provided by applicant)

The plan generally provides for adequate pedestrian and cycle connectivity consistent with the Shire Business Centre Map with the exception of a linkage to the west of lots 3 and 4. It has also been identified that a pedestrian linkage should be provided to the west of proposed lot 2 to facilitate connectivity from the triangle shaped site on the opposite side of Walter Hay Drive to the remainder of the site (currently proposed as lots 23-25).

The existing pedestrian linkage to the east of proposed lot 7 and to the north of proposed lot 2 is incomplete. In accordance with the existing Infrastructure Agreement Council cannot require that the applicants construct these sections of pathway as they are external to the site. Should Council consider that these connections are required the works could be undertaken as part of the delivery of future pathway infrastructure by Council. It is noted that a small section of the existing path adjacent to the roundabout to the west of the service station is incomplete and also requires rectification to facilitate suitable connectivity in this area.

The future on road cycle lanes would be required to be developed as part of this development at the time when the additional road network is completed. The pedestrian linkages adjacent to Hofmann Drive and the new north/south private road between lots 3 and 7 would also be required to be completed at this time. Council officers have advised the applicant that provision for a future pedestrian linkage to the west of lots 3 and 4 and east/west through lot 3 and adjacent covenant area to be included within a public thoroughfare easement. It is the applicant's position that these pathways are provided as part of future Development Applications over the proposed lot and that the refinement of exact locations as well as materiality of finishes, precise connections with built form and responsibility for ownership and maintenance can be provided by the relevant developer/landowner and Council at this point. This position is not supported as the development, construction and ownership of the path network by different property owners raises a number of practical issues and raises potential conflict with Specific outcome 104 which seeks for the completion of the pedestrian and bikeway network.

Council officers maintain these aspects of the pedestrian network to be included in a thoroughfare easement and to occur at this stage of the development when the lot layout is being considered.

Furthermore the applicant has been requested to identify pedestrian linkages from proposed new location of the transit facility to the lot which contains the shopping centre. The applicant has not adequately demonstrated how this would be achieved.

Transit Facility

Specific outcome O104(f) also seeks the construction of an inter-regional transit facility (public transport node), this is further reinforced through Specific Outcome O154 which identifies that the inter-regional transit facility be located at the northern section of Precinct E6. This was addressed with the applicant who has provided concept plans for a transit facility with an area of approximately 4,800m² located in an alternate location at the northern section of Precinct E1. It is recognised that the proposed alternate location is suitable as it is located centrally within the site and therefore enables accessibility to and from the shopping centre and future development within the site. The proposed location of the transit facility results in the loss of approximately 1,000m² of an existing environmental covenant area. Although the alternate location for the transit centre may be appropriate, the proposed plans have been reviewed by Council's external traffic consultant who has raised concern that access to the potential transit area has not been satisfactorily demonstrated. As it is currently proposed, access would occur directly off the roundabout. Council's external consultant is not satisfied with the proposed geometry at the roundabout for both access and egress. Furthermore, it was requested that a separate lot be provided for the transit facility, however the applicant has not amended the layout to accommodate this. As such, the proposal does not provide for a suitable unencumbered area for the transit facility. The proposed alternate location currently sits across an existing covenant area. Adequate provision for the transit centre would result in an amended lot layout to address the geometry at the roundabout and change to the covenant area. The following figure details the proposed transit facility layout.



Figure 13: Transit facility plan

Extent of vegetation removal

The Biodiversity Overlay applies to the site and seeks to ensure development is managed so as to avoid, or where avoidance is not practicable, minimises or mitigates the impacts on the Shire's biodiversity values and natural resources. The proposed development requires the removal of vegetation to allow for the development of roads and for services to be provided to each lot. The applicant proposes to remove all vegetation to make the majority of the lots 'development ready' for the market. The applicant has provided the following figure with regards to the proposed vegetation removal.

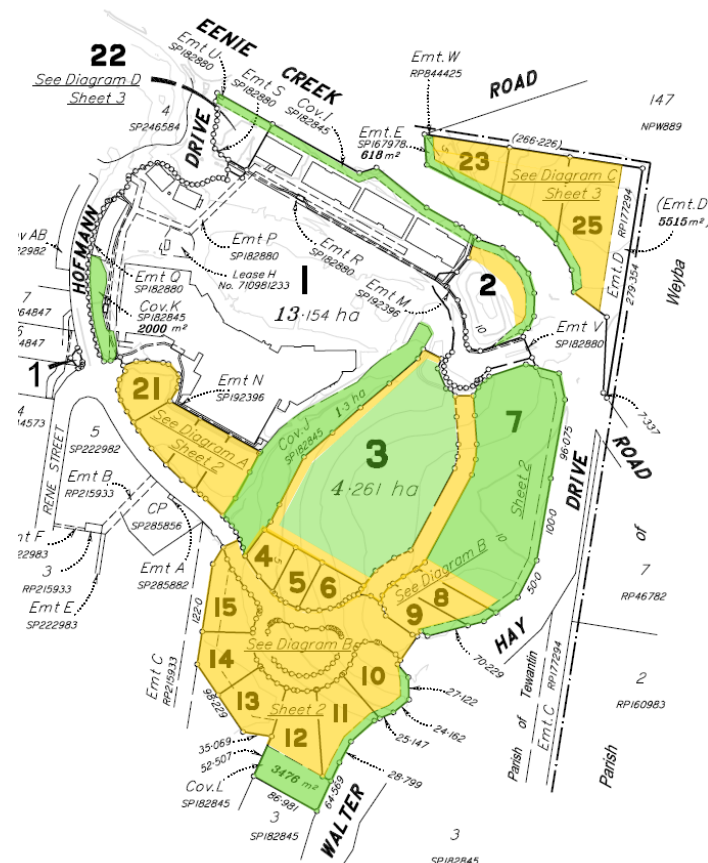


Figure 14: Details of vegetation removal (provided by applicant)

Areas to be cleared in yellow

The proposed complete clearing of all vegetation significantly limits the capacity for future development to be consistent with the Noosa Plan which seeks for development of the SBC to create a 'park like setting'. It is considered possible for the lots to be made available to the market with significantly less vegetation removal. The extent of vegetation removal is not consistent with the outcomes of the Biodiversity Overlay and is not supported.

Lot layout and size

Broadly, the Reconfiguring a Lot code provides for outcomes which seek to enable lot reconfigurations which facilitate development via suitable lot sizes which are able to contain required infrastructure and for which appropriate access is provided. In this regard, it is noted that 10 of the proposed 24 lots do not comply with the minimum 4,000m² size requirement.

When assessing the proposed development it is important to consider whether the layout, lot sizes and shape enable the lots to be used for their intended purpose and developed in accordance with the planning scheme requirements including setbacks to enable development within a parkland setting.

The Specific Outcomes for the Shire Business Centre zone prescribe the consistent and inconsistent uses for each precinct. The following table summarises the consistent uses for each of the precincts which have not already been fully developed.

Precinct	Proposed lots	Consistent Uses
E1	3, 4, 5 and 6	Offices, Medical, Education, Veterinary
E2	17, 18, 19 and 21	Offices, Medical, Education, Veterinary
E6	7, 8 and 9	Offices, Medical, Education, Veterinary, Service Station, Vehicle Hire
E7	10, 11, 12, 13, 14, 15 and 16	Offices, Medical, Education, Veterinary
REC/MU	23, 24 and 25	Childcare, Emergency Service (Station), Outdoor Sport and Recreation, Place of Worship
B3	2 and 22	Office, Medical, Veterinary, Showroom, Service station, Vehicle hire, Hardware store, Garden and Lifestyle Centre

In this regard, it is unclear how the re-configuring of the REC/MU precinct (Lots 23-25), located in the north-eastern corner of the site, facilitates the on-going use of the precinct for identified consistent uses. The applicant's bushfire consultant recommends a setback of at least 20 metres to the northern boundary and 25 metres to the eastern boundary are required to address bushfire risk. Council's consultant bushfire expert considers a 17.9 metre buffer to the northern boundary and the 25 metre wide easement to the eastern boundary as appropriate bushfire buffers. The proposed setbacks constrain the developable area of each lot. This constraint is particularly evident for lot 23 which is accentuated by the irregular shape of the lot and existing 10 metre wide environmental covenant to the southern boundary.

This results in a developable area of approximately 1800m² which is further constrained by the irregular shape of the lot which has a width of approximately 8 metres at the western boundary, this area is likely to be unsuitable to accommodate development for the intended use.

As discussed earlier in this report, Council's bushfire expert has stated "*Lots 23, 24 and 25 do not minimise the bushfire hazard to people who might work in those lots nor property within those lots*" and the applicant proposes using building standards as a solution however it is not considered appropriate to rely on building standards. The design and layout at the reconfiguration of a lot stage is the appropriate stage to adequately address these risks. The proposed lot layout is likely to impact on biodiversity values, including Koala habitat trees, in the adjacent National Park due to increasing the pressure to manage vegetation with the National Park for bushfire hazard reduction.

The following image details lots 23 -25 and the bushfire buffer to the northern boundary and the environmental covenant to the southern boundary.

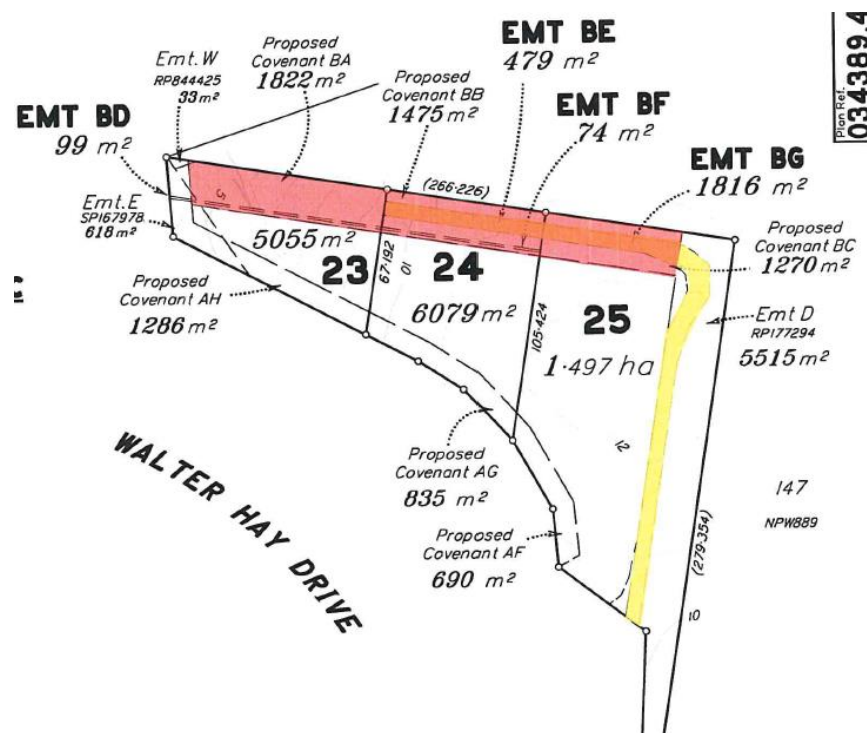


Figure 15: Lots 23 - 25

Furthermore, lots 4 – 6 are all less than 2500m², which is less than the 4000m² required by the planning scheme, and raises concern with regards to their capacity to provide for development consistent with the planning scheme. In the current planning scheme the consistent uses for these lots are offices, medical, veterinary and education whilst in the draft scheme these lots are within the Business Park Precinct for which it is intended that the zone facilitates commercial office space for businesses and a range of professional services including health and wellbeing, education, research and technology and knowledge-based industries.

Lot 6 is irregular in shape due to the significant frontage and results in a triangle shaped lot. A 6 metre frontage setback is required for the 1st and 2nd storeys of any new development and reduces the developable footprint by approximately 350m². As the lot is only 2,473m² in area this reduces the developable area to approximately 2100m² which is significantly less than the 4000m² minimum lot size required by the planning scheme. The reduced developable footprint will impact on future developments capacity to provide for buildings to be within a park like setting for which it would reasonably be expected that there is some form of building separation with vegetation maintained and planted in the separation area.

Accordingly, the constraints on the developable areas of lots 6 and 23 results in them being unsuitable for their intended development purposes and limits the opportunity for development to occur within a park like setting as required by the Noosa Plan.

Whilst lots 10 – 15 are larger in area a requirement of the applicant's Bushfire Management Plan (BMP) is for the rear of lots 12 -15 to be cleared and only used for car parking and access for bushfire management purposes. This requirement constrains the area of the site able to be developed with buildings to approximately 2500m² which is significantly less than the minimum lot size within the Noosa Plan. Due to these factors it is considered that the developable area of the lots are constrained and will likely result in buildings being situated towards the front of each proposed lot which are the narrowest parts of each lot and likely impact on suitable separation between buildings.

Furthermore, stormwater treatment for the new lots will be addressed at the time of further development approvals for each lot and will further reduce the development footprint of the lots.

It is noted that the draft planning scheme proposes minimum lot sizes of 400m² for the Major centre zone and 1000m² lot sizes for the Innovation Zone, lots 10 - 15 are situated in the Innovation Zone. Further subdivision of the proposed lots is likely to result in additional access arrangements to the proposed lots noting that there are currently outstanding issues associated with the proposed access to lots off Hofmann Drive. These issues could be further compounded if existing access arrangements, which in some circumstances are not suitable, are indeed to service additional lots in the future.

Acoustic fence

Lots 17 – 19 are situated within close proximity to the existing loading dock at Noosa Civic. Under the current planning scheme an Ancillary dwelling unit is a consistent use whilst the Draft Framework and Character Plan within the draft planning scheme identifies the site for High Density Residential. The loading dock has the potential for adverse impacts on the amenity of any future residential use of these lots, including private open space, and accordingly this issue was raised with the applicant and that an acoustic fence should be provided as part of this application. An overall outcome of the Noosaville Locality code seeks for the resident population to be accommodated in both detached housing and multiple housing forms with high levels of residential amenity. It is the applicant's position that acoustic treatment should be addressed as part of future development applications of these lots. The applicant's position is not supported as similar to the pedestrian linkage raised earlier in this report the development, construction and ownership of the acoustic fence by different property owners raises a number of practical issues.

Stormwater quality

The application has been accompanied by a stormwater management plan which addresses stormwater runoff on the proposed roads. Assessment of stormwater quality and quantity will also be undertaken for each lot at the time an application is submitted for development on those lots specific to each development and site.

The proposed stormwater treatment however for the whole site involves bio-retention basins and tree pits within the road reserve. The proposal has been reviewed by council's external consultant who has noted that there are however a number of issues with the engineering drawings. Two bio-retention basins are shown within the existing vegetation covenant area, this is not acceptable as clearing will be required and is contrary to the intent of the covenant. One bio-retention basin is shown in the existing easement south of Hoffman Drive. While this may be consistent with the easement purpose, it will likely require additional clearing and alternative options should be considered. No stormwater stub is shown to service proposed Lot 7, two stub connections will be required (one north, one south) due to the topography. The effect of showing the stubs is significant. The northern bio-retention basin is end-of-line (i.e. receives flows from a stormwater pipe). Lot 7 will flow to this basin via the pipe network and will significantly affect the basin performance contrary to the way it has been modelled. Furthermore, there are several areas of road with no treatment which has not been reflected in the modelling provided by the applicant.

As the applicant has not adequately demonstrated how stormwater management will be managed the proposal has not demonstrated compliance with the relevant provisions within the Water Sensitive Design Code and the Reconfiguring a Lot Code

4. DRAFT PLANNING SCHEME

The draft Noosa Plan differs from the existing planning scheme as it introduces new zoning and a Framework and Character Plan. The site is currently zoned Shire Business Centre Zone and Open Space Conservation. Under the draft planning scheme it is proposed that the site be comprised of the following zones:

- Major Centre;
- Community Facilities;
- Recreation and Open Space ;

- Innovation; and
- Environmental Management and Conservation

The existing and proposed zoning are detailed in the figure below:

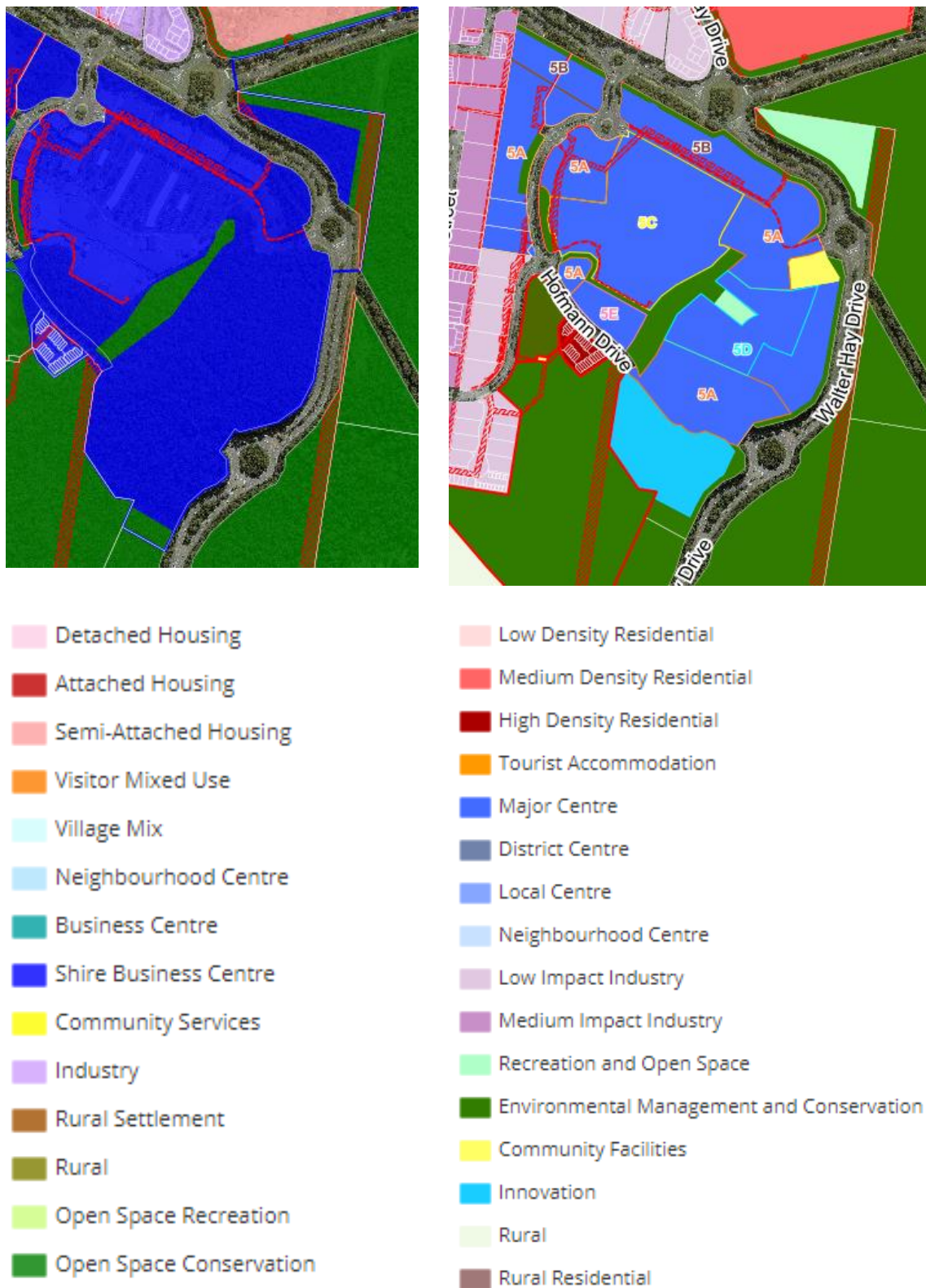


Figure 16: Existing zoning and proposed zoning of draft planning scheme

A Business Park precinct has been applied to the site which allocates sub precincts throughout the site. Furthermore, a Framework and Character Plan has been developed which supersedes the Shire Business Centre Map and provides a framework for the development of the site. The extent of the Biodiversity Overlay and Bushfire Overlay is generally consistent with the current planning scheme with respect to the undeveloped areas of the site noting that the Biodiversity Overlay has been removed from the developed parts of the site.

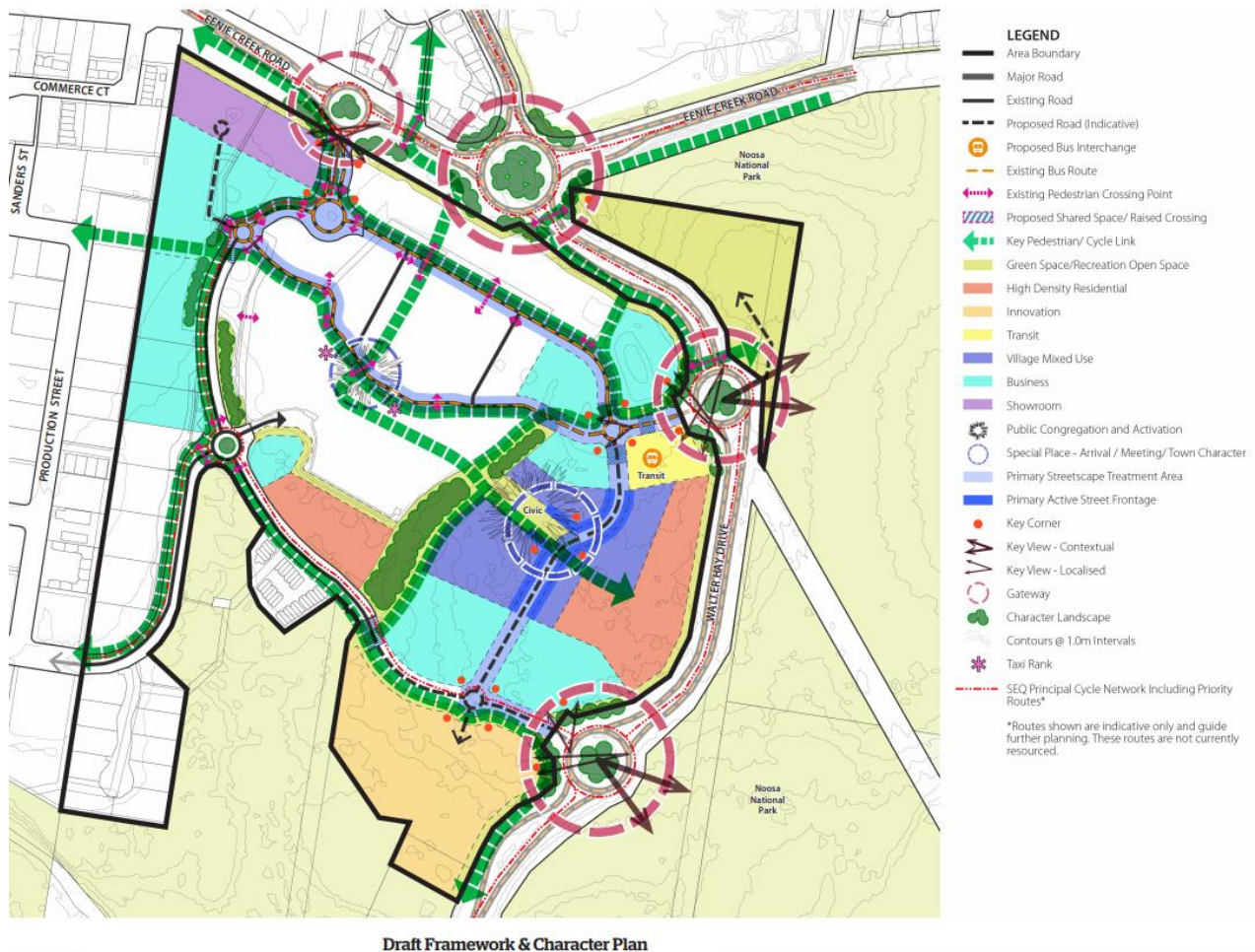


Figure 17: Draft Framework and Character Plan

The provisions within the draft planning scheme align with the Framework and Character Plan and provide overall outcomes which differ from the current planning scheme insofar as they envisage development of a main street environment with mixed use development and a diversity of housing options.

The proposed reconfiguration layout is generally consistent with the draft Framework and Character Plan and will not compromise how the preferred land uses can be delivered in accordance with the plan. Notwithstanding, concerns remain regarding the proposals compliance with some of the performance outcomes within the scheme in regards to lot layout, bushfire management, the development of new roads and vehicle access, vegetation removal and the provision of a transit facility and pedestrian and bicycle links

5. CONSULTATION

5.1. Referral Agencies

The application was referred to the following Referral Agencies:

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

The Department is a referral agency for Development impacting on state transport infrastructure and has responded advising that they have no requirements.

5.2. Other Referrals

The application was forwarded to the following internal Council officers:

- Environment Officer (Ecology)
- Coordinator Development Engineering
- Strategic Planning
- Asset Infrastructure

The application was also assessed by external consultants for bushfire, traffic and water quality/quantity.

6. CONCLUSION & REASONS FOR DECISION

The application proposes to reconfigure the SBC from 1 lot into 24 lots and involves the extension of Hofmann Drive to Walter Hay Drive and the development of 2 private roads. The reconfiguration is generally contained to the undeveloped parts of the site with the exception of 2 lots proposed adjacent to the perimeter of the showrooms situated on the existing internal road. The layout of the proposal generally aligns with the existing Shire Business Centre precinct map. Reconfiguration of the site will allow for the development potential of the land to be realised, providing for the creation of new employment opportunities within the Shire.

An Infrastructure Agreement was entered into in 2003 and restricts Council's capacity to include conditions for further contributions provided the development is not of an intensity greater than MP2. Since the time that the agreement was entered into the State Government have introduced new assessment benchmarks to avoid and offset significant impacts to koala habitat. As a consequence of the Infrastructure Agreement the proposal is unable to comply with these benchmarks.

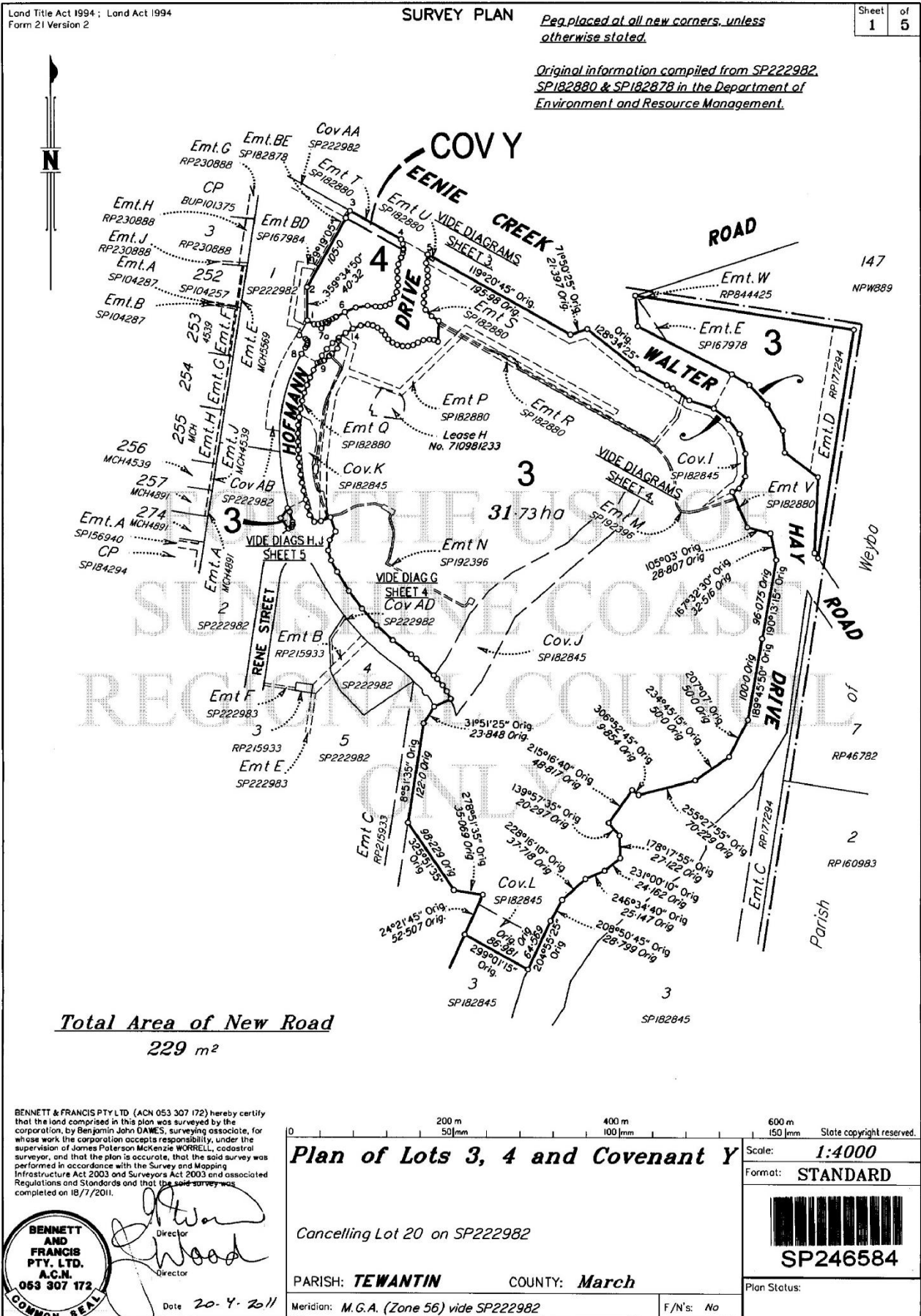
Aspects of the proposals non-compliance with the planning scheme relate to the Overall and Specific outcomes of the Noosaville Locality Code, koala habitat, bushfire management, vehicle access, provision of a transit facility, pedestrian/bicycle linkages, extent of vegetation removal and insufficient lot sizes. It is not suitable to condition compliance with these matters as it would transform the form of the development and the applicant has expressed that they are not agreeable with the position that council officers has taken on these issues. Furthermore, the applicant has not adequately demonstrated stormwater management strategies that are consistent with the Water Sensitive Design Code and Reconfiguring a Lot Code

Due to the non-compliance with the state assessment benchmarks and the concerns raised above it is recommended that the application be refused.

Departments/Sections Consulted:

☐ Chief Executive Officer Executive Officer Executive Support	☐ Community Services Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	☐ Corporate Services Financial Services ICT Procurement & Fleet Property Revenue Services
☐ Executive Services Community Engagement Customer Service Governance People and Culture	☒ Environment & Sustainable Development x Building & Plumbing Services x Development Assessment Economic Development Environmental Services x Strategic Land Use Planning	☒ Infrastructure Services Asset Management Buildings and Facilities Civil Operations Disaster Management x Infrastructure Planning, Design and Delivery

ATTACHMENT 1



Sheet 1 of 3
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Bennett and Francis
ABN 49 446 453 588

Scale 1:4000 - Lengths are in Metres.

North Arrow

Scale 1:4000 - Lengths are in Metres.

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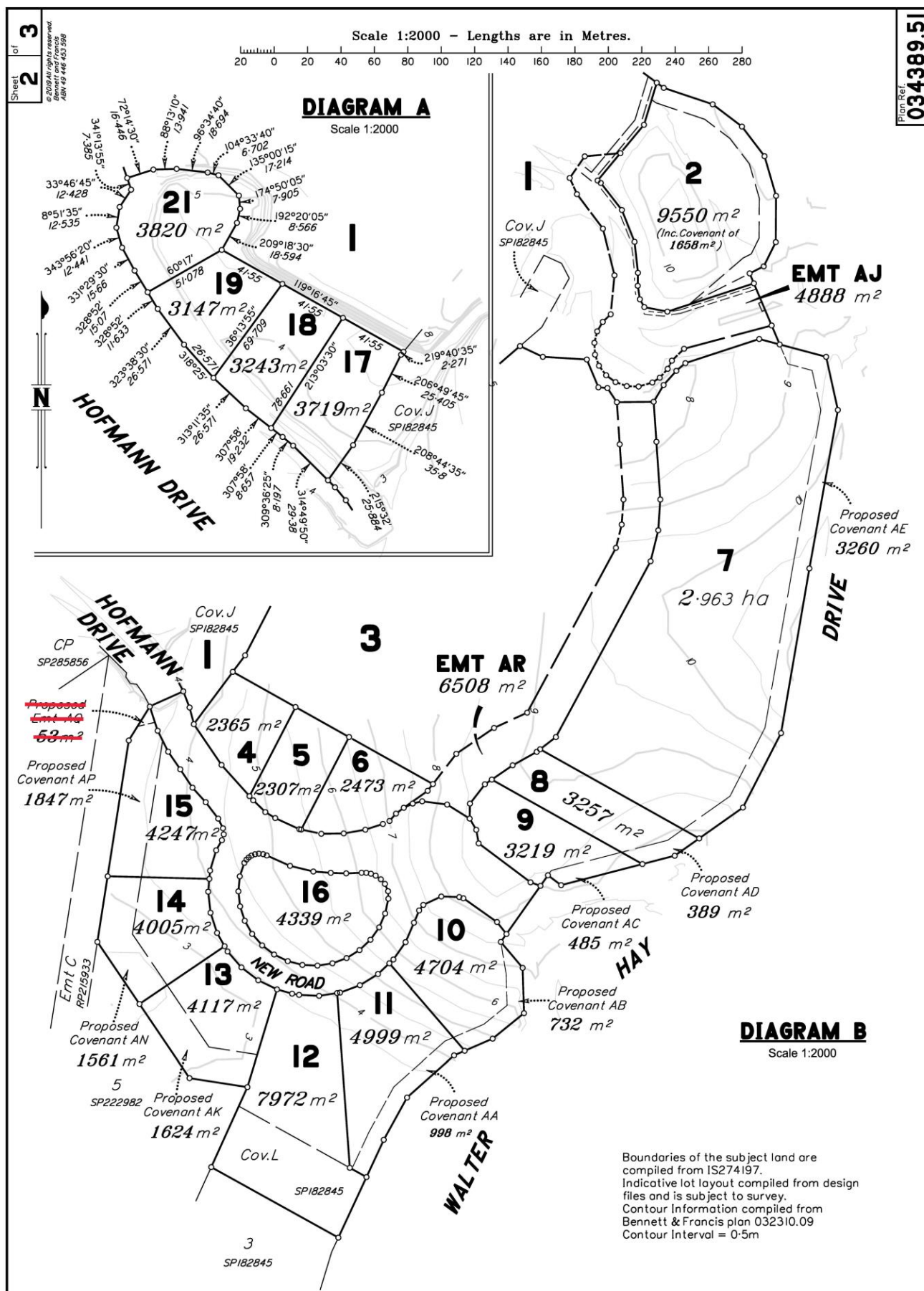
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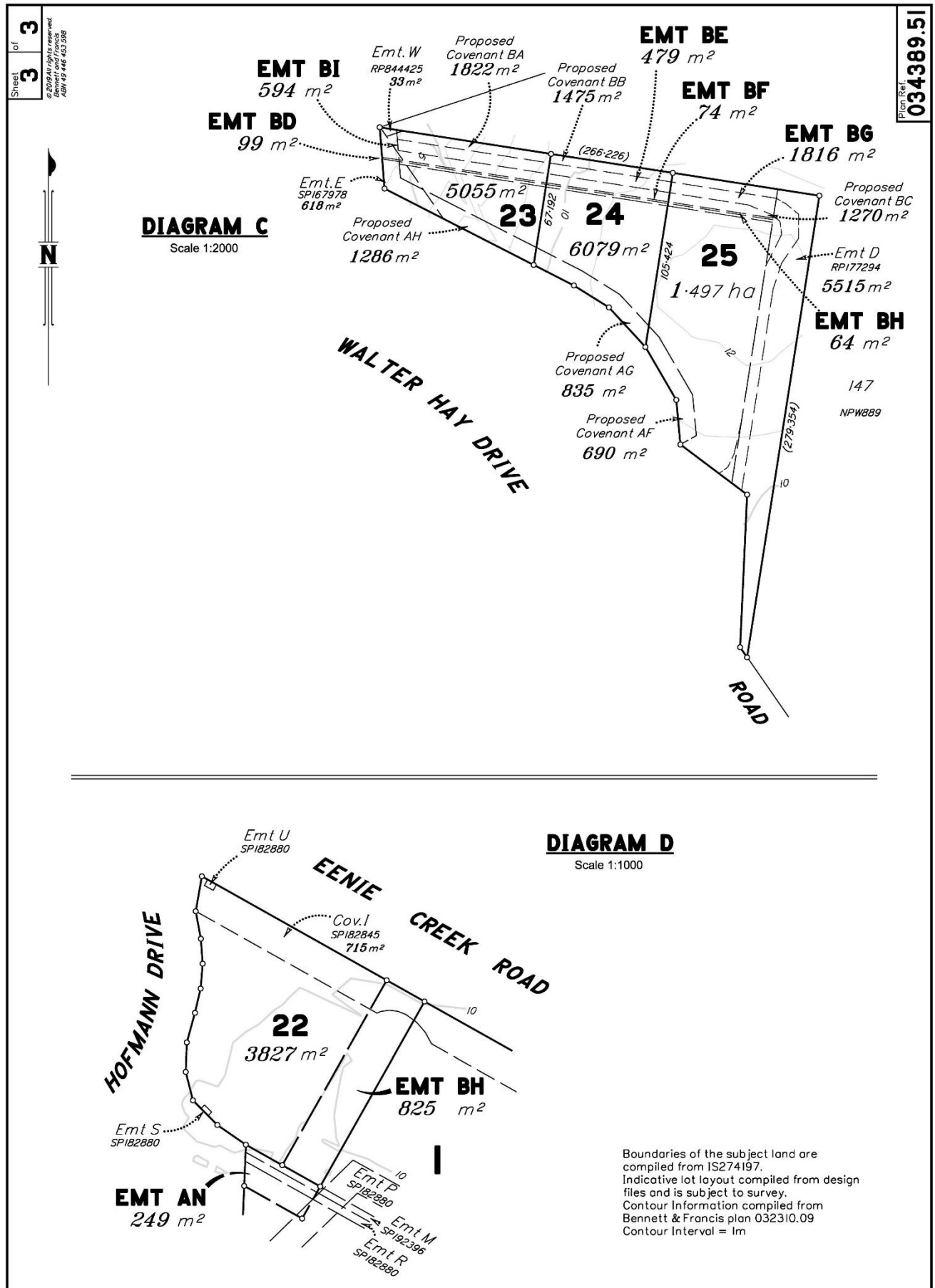
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Scale 1:4000 - Lengths are in Metres.

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Boundaries of the subject land are compiled from IS274197. Indicative lot layout compiled from design files and is subject to survey. Contour information compiled from Bennett & Francis plan 032310.09	Client Stockwell Development Group Pty Ltd Project Noosa Civic, Noosaville	PROPOSED SUBDIVISION of Lots 1-19, 21-25, Easements in Lots 2, 3, 22-25 and Covenants in Lots 2, 7-11, 13-15 & 23-25 Cancelling Lot 3 on SP246584, Original Lot 29 on MCH390, Parish of Tewantin, County of March, Local Authority: Noosa Shire.	Drawn DP Date 25/09/19 Checked PP Approved L/B. File 03438949 SCALE 1:4000 PLAN REFERENCE 034389.51
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2 PROCUREMENT AND FLEET BRANCH RESTRUCTURE AND POSITION ESTABLISHMENT

Author Director Corporate Services, Michael Shave
Corporate Services Department

Index ECM/ 53.32 Organisation Structures, Staff Management

Attachments 1. Corporate Services Existing Structure
2. Corporate Services Proposed Structure

EXECUTIVE SUMMARY

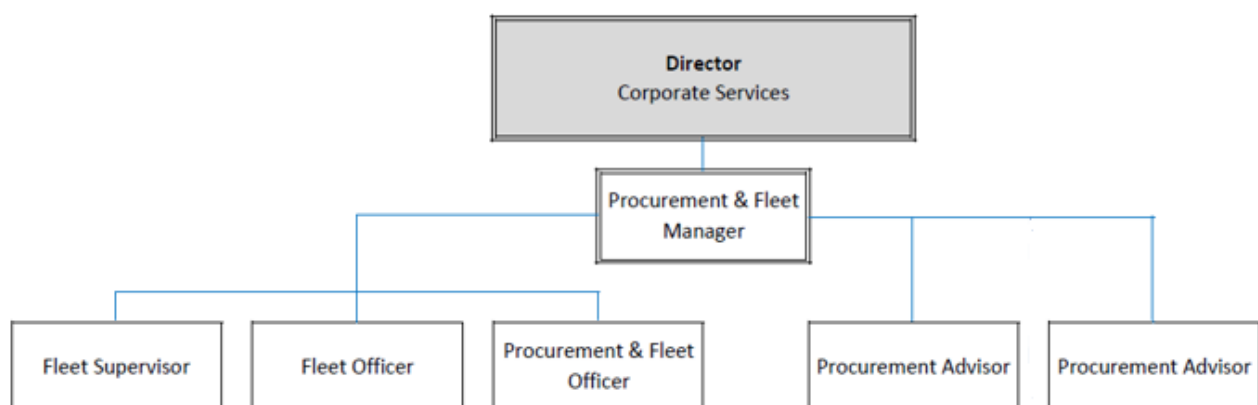
Not applicable.

RECOMMENDATION

That Council note the report by the Director Corporate Services to the Special Meeting dated 28 October 2019 and approve the new Corporate Services Department structure provided in Attachment 2 to the report.

REPORT

Since de-amalgamation, the Procurement and Fleet functions have operated under a single Council branch. This structure was adopted as the current Manager had the necessary skills and experience across both disciplines to allow the management of the two separate functions under the one branch, which has proved to be highly successful. The current branch structure is provided in the figure below.



The Manager's impending resignation (in December 2019) has triggered a rapid workforce planning exercise to consider the most appropriate structure for these functions moving forward, acknowledging the unique nature of the skill-set of the incumbent. This has included identifying that Council's Fleet operation represents a significant investment (annual operating expenditure \$2.7m, annual capital expenditure \$1-2m) and its ongoing strategy and development plays a key role in delivering effective and efficient services to the organisation and ultimately the community through Council service delivery.

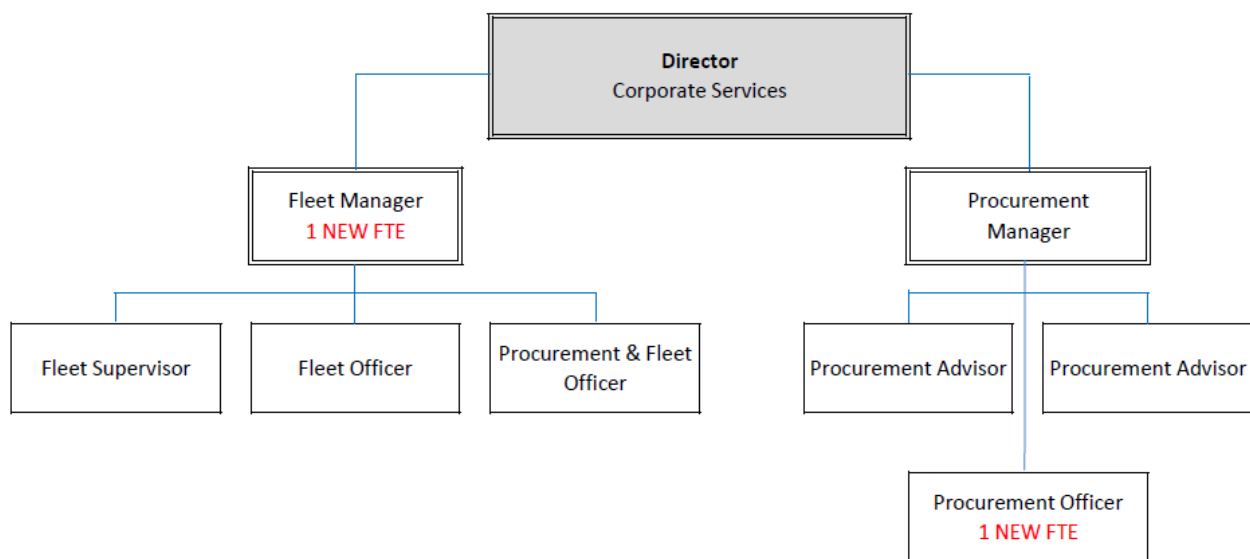
Additionally, the continued development of Council's Procurement function is critical in maintaining ongoing compliance, probity, transparency and value for money across Council's procurement of goods and services.

As such, the People and Culture branch were engaged to undertake a rapid workforce planning exercise for Procurement and Fleet that resulted in the development of a number of structural options (including opportunities and risks) which were presented to the Executive Team for discussion. The three options considered included:

1. Separation of Procurement and Fleet into two distinct branches with separate managers.
2. Maintaining the current branch current structure with the addition of a specialist Fleet Co-ordinator position.
3. Maintaining the current branch current structure.

All three options also included an additional Procurement Officer resource which has been previously endorsed by the Executive Team to address workload pressures within the Procurement team.

The recommended structural option moving forward was Option 1 – the separation of the Procurement and Fleet branch into two distinct branches with separate managers as per the figure below.



The opportunities regarding this new structure include:

- Provides two distinct branches under Corporate Services with appropriate resourcing to deliver both operational and strategic outcomes.
- Provides a dedicated management resource for both branches to focus on the strategic development and delivery of respective Fleet and Procurement functions across Council.
- Provides a dedicated management resource for both branches to focus on internal engagement and stakeholder management in the delivery of services.
- Enables the Director to shape strategy individually for each branch and assign responsibility of an achievable workload and deliverables to each manager i.e. increased accountability.
- Provides a clear chain of responsibility and structure for the organisation including clarity for Fleet and Procurement staff and internal and external customers.

- Provides both branches increased opportunity to focus on key strategic initiatives i.e. electric vehicles, GPS, fleet performance reporting, cooperative procurement contracts/arrangements, local supplier engagement, systems development.
- Will allow the Fleet Manager to be location based at the Noosaville Depot to ensure day to day support for the fleet branch which will improve branch culture.

Previous Council Consideration

Special Meeting Minutes, 28 June 2019, Item 6, Page 10

That Council note the report by the Chief Executive Officer to the Special Meeting dated 28 June 2019 and adopt the Noosa Council Organisational Structure as set out in Attachment 1 to the report.

Finance

The proposed structure identifies the need for two additional full time equivalent positions in the Council structure. The new Procurement Officer role can be funded via the capital budget through procurement costing their time to capital projects. The additional Fleet Manager salary incurred during 2019/20 would be absorbed in the fleet operating budget through to June 2020. Ongoing employee costs for the Fleet Manager position would be incorporated into the fleet costing and charging model and recovered through hire charges (noting however that the cost would still likely have some impact on Council's operating position and decision making as part of 2020/21 budget development).

Risks & Opportunities

A number of risks relating to the resignation of the Procurement & Fleet Manager were identified as part of the workforce planning exercise, in particular relating to retaining the status quo. These risks included:

- Inability to recruit a new Manager with the required skills needed across both functions, requiring the Director to provide additional direct operational and strategic support.
- Strategic deliverables not able to be achieved across both functions.
- Likelihood of increased level of service complaints across both Fleet and Procurement functions due to resourcing levels.
- Inability to progress current Fleet/Procurement initiatives in train i.e. cooperative procurement arrangements, system enhancements, promoting vendor panel opportunities.

Consultation

External Consultation - Community & Stakeholder

Nil.

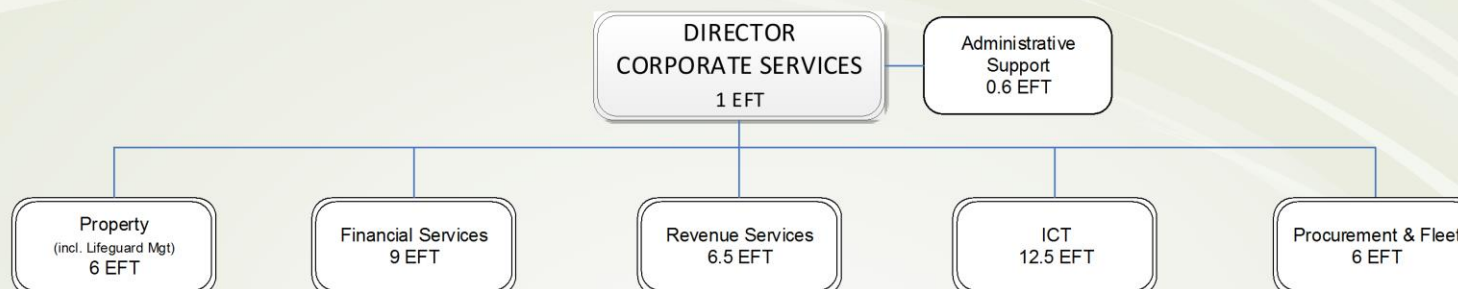
Internal Consultation

People and Culture Advisor.
Executive Team.
Procurement and Fleet Branch.

Departments/Sections Consulted:

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

Corporate Services

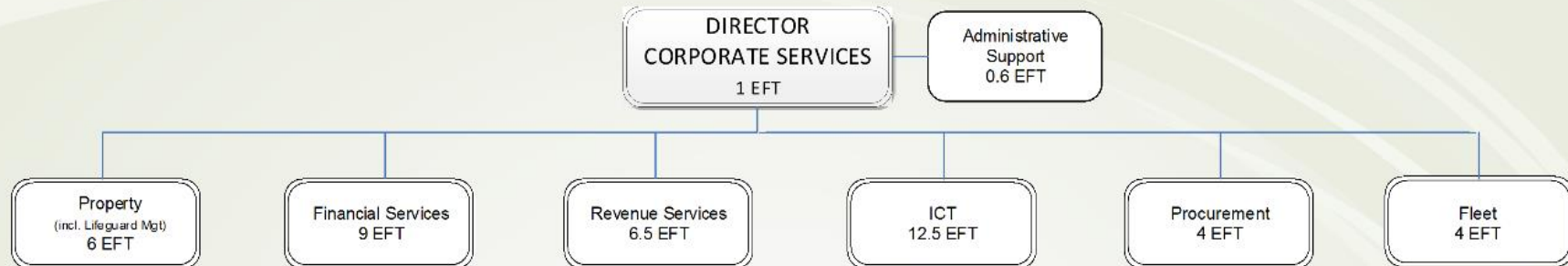


Note – Fixed term appointments approved by Council are not included within the EFT totals as shown on this structure. Further details are available on the individual branch/team structures.

Total EFT: 41.6

Corporate Services

ATTACHMENT 2



Note – Fixed term appointments approved by Council are not included within the EFT totals as shown on this structure.
Further details are available on the individual branch/team structures.

Total EFT: 43.6