

W.A. STOCKWELL PTY LTD

10 / 211 Montague Rd
West End QLD 4101

PO Box 3144
South Brisbane QLD 4101

07 3004 6888

07 3004 6899

www.stockwell.com.au

ABN 50 010 095 360

COPY

14 August 2008

Chief Executive Officer
Sunshine Coast Regional Council
Tewantin Office
PO Box 141
TEWANTIN Q 4565

Dear Sir/Madam,

NOOSA CIVIC SHOPPING CENTRE -

CODE ASSESSABLE MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION OVER LAND AT 28 EENIE CREEK ROAD, NOOSAVILLE AND DESCRIBED AS LOT 2 ON SP182880.

Please find **enclosed** the following documentation associated with this development application:

1. Duly executed IDAS Application Form 1, Part A and Part D;
2. Duly executed IDAS Assessment Checklist;
3. A cheque made payable to the Sunshine Coast Regional Council in the amount of \$3950.00; and
4. Six (6) hard copies of the Town Planning Report prepared by WA Stockwell Pty Ltd.

If you have any queries, please contact me on 07 3004 6858.

Yours faithfully,

W.A STOCKWELL PTY LTD

sch4p4(6) Personal information

Development Manager

Encl Application Package (6 copies)

TYPE	REFERENCE		GROSS AMOUNT	WITHHELD		NET AMOUNT
	DATE	NUMBER		CODE	AMOUNT	
110	28JUL08	MCUAPPLICAT ION	3950.00			3950.00

RECEIPT NOT REQUIRED DETACH AND RETAIN

PAY
THE
SUM
OF

THREE THOUSAND NINE HUNDRED AND FIFTY DOLLARS ONLY

31 JUL 08

TO THE ORDER OF

SUNSHINE COAST REGIONAL COUNCIL
Locked Bag 72
Sunshine Coast Mail Centre 4560

NOT
NEGOTIABLE
A/C PAYEE
ONLY

\$

*****3,950.00

sch4p4(6) Personal information

FOR AND ON BEHALF OF W.A. Stockwell Pty Ltd ABN 50 010 095 360
Trading as Stockwell Building & Development

Form 1 Development Application

idas

Part D**Material change of use assessable against a planning scheme**

Planning scheme identification

1. How is the premises identified / zoned in the applicable planning scheme? (NOTE: if the premises involves multiple zones clearly identify the relevant zone for each lot) - provide details for each lot on a separate row

	Lot description (i.e. street address or lot on plan details)	Applicable zone /precinct /area	Applicable overlays
1	Lot 2 SP182880	Precinct B1/ B2 Shire Business Centre	

Nature of the proposed material change of use (MCU)

2. How is the proposed use/s defined in the applicable planning scheme?

	General explanation of the proposed use (i.e. in your own words)	Planning scheme definition (include each definition in a new row or on attached documentation if applicable)	No. of dwelling / tenancy units (if applicable)	Days & hours of operation (if applicable)	No. of employees (if applicable)
1	TAB premises	Entertainment & Dining Type 2	0	N/A	0

3. What type of approval is being sought?

☒ Development Permit ☐ Preliminary Approval ☐ Both (Provide details below)

4. Are there any current approvals associated with this application for the change of use of the premises? (e.g. a Preliminary Approval for the use)

☐ No ☒ Yes - Provide details for each associated approval on a separate row

	List of approval reference/s	Date approved	Date approval lapses (if known)
1	DA 22803	1 May 2003	

5. Does the proposed use involve:

- (i) the reuse of existing buildings on the premises ☐ No ☒ Yes - Complete Table A
- (ii) new building work on the premises ☐ No ☐ Yes - Complete Table B
- (iii) the reuse of other existing operational works on the premises ☐ No ☐ Yes - Complete Table C
- (iv) new operational work on the premises ☐ No ☐ Yes - Complete Table D

Table A	Existing floor area	173m2
	Existing site cover	N/A
	Existing maximum number of storeys	0
	Existing maximum height above natural ground level	N/A

Mandatory Information

6. Confirm that the following mandatory information accompanies this application:

	Confirmation of lodgement	Method of lodgement
For all applications		
(i) Plans showing the nature and location of the proposed use on the premises and a statement about the intensity and scale of the proposed use (e.g. number of employees, days and hours of operation, number of visitors, number of seats, capacity of storage area)	☒ Confirmed	mail
When the application involves reuse of existing buildings		
(ii) Plans showing the size and location of the buildings to be reused	☒ Confirmed ☐ Not applicable	mail
When the application involves new building work		
(iii) Plans showing the size and location of the proposed new building work	☐ Confirmed ☒ Not applicable	
When the application involves reuse of other existing works		
(iv) Plans showing the nature and location of the works to be reused	☐ Confirmed ☒ Not applicable	
When the application involves new operational work		
(v) Plans showing the nature and location of the proposed new operational works	☐ Confirmed ☒ Not applicable	

OFFICE USE ONLY

Date received

Reference numbers

Advice for completing Part D

General advice	<ul style="list-style-type: none"> Part A must also be completed for all IDAS development applications. The applicant is responsible for answering all questions fully and correctly, unless following a response there is a statement to go directly to another question. When paying fees to the Environmental Protection Agency by electronic funds transfer (EFT) for coastal development applications, use the process from the information sheet <i>Electronically paying fees to the Environmental Protection Agency (EPA)</i> and securely attach the form <i>Electronic Funds Transfer (EFT) payment notification</i> to this application.
Q3	A development permit authorises development to occur. A preliminary approval is a step in the approval process and does not authorise development to occur - a subsequent application for a development permit must be sought.
Table D	If the MCU application involves operational work that is the building of a retaining wall on the premises, the application is taken also to be for the operational work if approval for the operational work has not been applied for in this application or in a separate application.

Form 1 Development Application

idas

Part A

Common details

NOTE: Answer **all** questions unless directed to go to a particular question. Refer to the end of the form for advice on how to complete this form.

Applicant details (The Applicant is the person responsible for making the application and need not be the owner of the land. The Applicant is responsible for ensuring the information provided on the IDAS Application Form is correct. This information is relied upon by the Assessment Manager and any referral agencies when assessing and deciding this application. By lodging this application, the Applicant incurs the obligations and responsibilities prescribed by the IPA. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the Applicant.)

Company/organisation name (if applicable) WA Stockwell Pty Ltd

Individual applicant/Contact person (If there is more than one applicant, provide additional applicant details on an attachment to this form)

Title	Mrs	First name (6) Personal information	Last name (6) Personal information
Postal address	PO Box 3144 South Brisbane, QLD 4101		
Contact telephone number	07 -30046858	Mobile phone number sch4p4 (6) Personal information	
Facsimile number	07-30046858	e-mail address sch4p4 (6) Personal information	

Details of the premises (i.e. the land on which the development is proposed - refer to the advice at the end of the form)

1. Identify the premises by completing Table A, or Table B and/or Table C (ensure adequate information is given to identify the premises)

Table A If the application is for a **mobile and temporary Environmentally Relevant Activity (ERA)**, complete Table A only. Then go to Q2.

	Name of each local government area in which the mobile and temporary ERA is proposed to operate
1	N/A

OR

Table B Street address for the premises (tick applicable box/es below and insert property description in the table. Identify each lot in a separate row.)

- (i) ☒ Street address / lot on plan for the **premises** (Appropriate for most applications including building applications); OR
- (ii) ☐ Street address /lot on plan for the **land adjoining or adjacent to the premises** (Appropriate for development in water e.g. jetty, pontoon etc) (Note: Lot on plan details may be obtained from title documents, a 'Rate' notice, or from the local government.)

Street Address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit No.	Street No.	Street Name and official suburb/locality name	Post Code	Lot No.	Plan type and Plan Number	
1	28	Eenie Creek Road Noosaville	4565	2	SP182880	Noosa Shire

AND / OR

Table C Coordinates and/or a map of the premises (Appropriate for development in remote areas, over part of a lot, in water (e.g. channel dredging in Moreton Bay) etc.)

	Coordinates (Note: place each set of coordinates in a separate row)				Zone Reference	Datum	Local government area (If applicable)
	Easting	Northing	Latitude	Longitude			
1						☐ DGDA94 ☐ WGS84 ☐ Other -	

2. Identify if any of the following apply to the premises by completing Tables D, E, or F. (Note: In most instances, the premises will not involve any of the following characteristics, however some applications may involve one or more of these characteristics - complete only if applicable)

Table D Complete if the premises are adjacent to or associated with a water body, watercourse or aquifer (e.g. river, creek, lake, canal)

	Name of water body, watercourse or aquifer (If known)
1	N/A

Table E Complete if the premises are on Strategic Port Land under the *Transport Infrastructure Act 1994*

	Lot on plan description for strategic port land	Port Authority for the lot
1	N/A	

Table F Complete if the premises are in tidal water

	Name of local government for the tidal area (if applicable)	Name of port authority for the tidal area (if applicable)
1	N/A	

3. Indicate the total area of the premises on which the development is proposed: (Note: The total area may include land both above and below water)

Total area of premises
33.14 ☐ m ² ☒ hectares (Tick applicable unit)

Existing use of the premises

4. Current use/s of the premises: (e.g. vacant land, house, townhouses, apartment building, shop, service station, school, sugar cane farming etc.)

1	Noosa Civic - Stage 1
---	-----------------------

5. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc.)?

☐ No ☐ Yes - Ensure the type, location and dimensions of each easement are included in plans, submitted with the application

Proposal details

6. Brief description of the proposal (e.g. 6 unit apartment building, 30 lot residential subdivision, a bore, aquaculture)

Code assessable material change of use for entertainment & dining type 2

7. Does the proposal include new buildings or operational work (including any services) on the premises?

☒ No ☐ Yes - Ensure the nature, location and dimensions of the proposed works are included in plans, submitted with the application

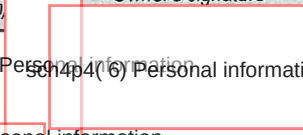
Resource entitlement (if applicable) - further information is provided in the advice section at the end of the form

8. Does the application involve taking or interfering with a State resource and therefore require a resource entitlement? (e.g. the application involves State land (leased and freehold), declared Fish Habitat areas, taking quarry material, taking or interfering with water under the Water Act 2000, etc.)

☒ No - Go to Q9 ☐ Yes - Complete Table G - provide details for each evidence required on a separate row, if applicable. Evidence of resource allocation or entitlement must be submitted with the application. You do not need to answer Q9 - go to the next section.

Owner's consent (if applicable) - further information is provided in the advice section at the end of the form

9. Complete Table H for applications involving a material change of use; reconfiguration of a lot; work on land below high-water mark and not within a canal as defined under the *Coastal Protection and Management Act 1995*; or work on rail corridor land defined under the *Transport Infrastructure Act 1994* - provide details for each owner on a separate row, or on an attachment to this form if applicable.

Table H	Premises Owner's name/s and postal address	Details of the premises owned (street address or lot on plan description)	Owner's signature*	Date consent was obtained
1	Mirose Pty Ltd	Lot 2 SP182880		11.8.08

* Owner's signature cannot be provided on the form if you intend to submit the application electronically. Owner's consent must be provided to the assessment manager on an attachment containing appropriate written documentation of the owner's consent. If the owner is a company, s127 of the *Corporations Act 2001* (Cwealth) details how a company may sign as owner. Templates for the provision of owner's consent are available on the IPA website.

Attachments and supporting information (Complete Table I - Use a separate row for each type of attachment or information, including information required under this Part) Please ensure all documentation submitted with this form, including other Parts of Form 1, or owner's consent, etc, are securely attached to this Part of the Form.

Table I	Description of attachment or information (e.g. Part C of Form 1, owner's consent, evidence of resource allocation/entitlement, plans, drawings, reports)	Title (if applicable) (e.g. General Authority, James Street Traffic Report)	Date	Method of delivery to assessment manager
1	Report	Town Planning Report	August 2008	mail
2	IDAS forms	Form 1 parts A & D	11.08.08	mail

3	IDAS forms	Assessment Checklist	11.08.08	mail
4	Application Fee			
5				

Portable Long Service Leave (PLSL) levy (Applicable for certain building and construction work valued over \$80,000 only)

10. The Portable Long Service Leave Levy (PLSL) is not applicable to this application if any of the following apply: (Tick box if applicable)

- ☐ the application seeks a preliminary approval only;
- ☒ the application is not for building and construction work under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, section 3AA (e.g. the application is only for a change of use, or for the following types of work **carried out solely for farming purposes**: land clearing, site preparation, earthworks, fences, fodder harvesting, clearing of encroaching vegetation, clearing of regrowth, thinning vegetation or controlling weeds or pests);
- ☐ all costs, that relate to the work both directly and indirectly, are less than \$80,000, inclusive of GST; or
- ☐ the work is being carried out under an owner-builder permit issued under the *Queensland Building Services Authority Act 1991* - Complete and submit a QLeave Notification and Payment Form (no payment required if owner-builder permit number stated). The receipted form must be sighted by the assessment manager before a development permit can be given.

11. Is payment of a PLSL levy applicable to this application? (Refer to Q10 and the Advice below for more information)?

- ☐ No - End of Part A
- ☐ Yes - Answer Q12 below

OFFICE USE ONLY (For use by the Assessment Manager / Private Certifier) (Optional)

Fee (\$)	Date received	Receiving officer's name	Reference numbers

NOTIFICATION OF ENGAGEMENT OF PRIVATE CERTIFIER

To: Council. I have been engaged as the private certifier for the building work referred to in this application.

Date of engagement	Name	BSA Certification number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (for completion by assessment manager or private certifier if applicable)

	Description of the work	QLeave Project Number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form
1						

Privacy Statement

The information collected on Form 1 will be used by the Department of Infrastructure and Planning (DIP) in accordance with the processing and assessment of your Application. Your personal details will not be disclosed for a purpose outside of the IDAS process, except where required by legislation (including the Freedom of Information Act 1992) or as required by Parliament. This information may be stored in a DIP database. The information collected will be retained as required by the Public Records Act 2002.

Advice for completing Part A

General advice

- Part A of IDAS Development Application Form 1 must be completed and accompany all development applications. The applicant is responsible for answering all questions fully and correctly, unless following a response there is a statement to go directly to another question. The Assessment Manager may refuse to receive an application that is not properly made.
- The IDAS Assessment Checklist must also be completed for all development applications, other than those requiring assessment against the *Building Act 1975* only, i.e. those applications requiring the completion of Parts A and B only.

Applicant details

- If the applicant is a company or organisation, a contact person must be nominated. The applicant's signature is not required to be provided under the IPA.

Details of the premises

- The term 'premises' is defined by the IPA, schedule 10 to mean a building or other structure, and land (whether or not a building or other structure is situated on the land). The term 'land' is also defined to include the estate in, on, over or under the land.
- Details of the land are not required if the application involves a mobile and temporary Environmentally Relevant Activity only. Instead complete Table A.
- The premises may be identified in a number of ways --
 - Street address and lot on plan are most common and will apply to most applications.
 - Coordinates may provide the best means of accurately identifying the location of development proposed in waters, or on a relatively small development site distant from property boundaries on a large lot. Sufficient coordinates need to be provided to identify the boundary of the premises the subject of the application. Eastings and northings using GDA94 datum is preferred, but longitude and latitude and other (specified) datum such as Zone Reference or GS84 may be provided.
- The definition of 'water body' and 'watercourse' can vary from Act to Act.
- StrategicPortLand is within a local government area but a local government's planning scheme does not apply on StrategicPortLand.
- StrategicPortLand is declared under the *Transport Infrastructure Act 1994*. For further information go to [IDAS Guide 11](#) (Development on strategic port land) and the Queensland Transport (Ports) website.
- 'Tidal water' is defined in the *Coastal Protection and Management Act 1995* (Schedule) and 'tidal area' for a local government and for strategic port land is defined in the IPA (schedule 10). Generally, the area below 'high-water mark' (defined by the *Coastal Act in relation to high water mark at spring tides*) establishes the boundary of a tidal area. Land below high water mark is not within a local government's area unless provided for under the *Local Government Act 1993*. Unless otherwise provided for by legislation, a local government has no jurisdiction below high water mark. A tidal area for strategic port land is within the jurisdiction of the relevant port authority, while the Environmental Protection Agency generally has jurisdiction for a local government tidal area. However, the IPA gives local governments jurisdiction for assessing and deciding applications for prescribed tidal works within the local government tidal area, and the planning scheme may be applied to that assessment (to the extent provided for in the code for prescribed tidal work).

Resource entitlement

- Section 3.2.1(5) of the IPA requires evidence of resource entitlement be given for applications if they involve taking or interfering with a prescribed State resource. Schedule 10 of the *Integrated Planning Regulation 1998* (IPR) prescribes the State resources, including State-owned land, where evidence is required to be given, and the evidence required to support the application. Link to [Integrated Planning Regulation](#). Section 3.2.1(10)(a)(ii) states an application **cannot** be taken to be properly made without the required evidence.
- For applications involving the **taking or interfering with water under the Water Act**, the development application may be made at the same time as the request for resource entitlement, and the Department of Natural Resources and Water will accept the application as properly made.
- For **State-controlled roads**, a resource entitlement is not required for an activity that is exempt ancillary works or encroachment (identified by gazette notice under the *Transport Infrastructure Act 1994*, section 50), or if the activity requires referral to the Department of Main Roads.
- Evidence may be required from more than one Department responsible for a State-owned resource, e.g. from the Environmental Protection Agency for quarry material below high water mark, and the Department of Natural Resources and Water in relation to the State-owned land above high water mark.

Owner's consent

- Section 3.2.1(3) of the IPA prescribes that an application must contain, or be supported by, the written consent of the land owner/s, if the application involves: a material change of use; reconfiguration of a lot; work on land below high-water mark and not within a canal as defined under the *Coastal Protection and Management Act 1995*; or work on rail corridor land defined under the *Transport Infrastructure Act 1994*.
- Evidence of this consent may need to be provided before the application will be accepted as properly made by the Assessment Manager, during the processes of the application or in the event of an appeal about the outcome of the application.
- 'Owner' for the purpose of a lodging an IDAS development application means the person at the time of lodging the application, entitled to receive the rent for the land (or would be entitled to receive the rent for it if it were let to a tenant at a rent).
- Templates are available from the [IPA website](#) for the provision of owner's consent as an attachment to this form. However other documentation may be used for providing owner's consent provided it is clear the documentation relates to the development application for the premises.
- Owner's consent, if required, must be provided even if the applicant is the owner. Owner's consent is not required for a mobile and temporary ERA.

Portable Long Service Leave (PLSL) Levy

- The Building and Construction Industry Portable Long Service Leave Scheme provides long service leave entitlements to workers in the building and construction industry who would be unlikely to accrue enough service with one employer to qualify for long service leave. To fund the scheme, a Portable Long Service Leave Levy (PLSL levy) is collected on certain building and construction work carried out in Queensland.
- The PLSL levy amount and other prescribed percentages and rates for calculating the levy are stated in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*. Included in the amount collected by QLeave is the Workplace Health and Safety Fee and the Building and Construction Industry Training Levy.
- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* (PLSL Act) defines the building and construction work subject to the PLSL levy and includes renovating, relocating, constructing, altering, demolishing, maintaining or repairing buildings, pools, roads, jetties, pipelines, fences or earthworks, and works for subdividing, irrigating or draining land.
- The PLSL levy need not be paid when the application is made, but the PLSL Act requires the levy to be paid before a development permit may be issued.
- The Assessment Manager must sight an approved form issued by QLeave advising of the status of the payment of the PLSL levy. Building and Construction Industry Notification and Payment Forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave (Tel: 1800 803 481 Web: www.qleave.qld.gov.au)

Form 1 Development Application

idas

IDAS

Assessment Checklist

IDAS Development Application Form 1 is the approved form for all development applications under the *Integrated Planning Act 1997* (IPA). Form 1 is made up of various Parts.

Part A (Common details) of Form 1 must be completed for all applications. The relevance of other Parts of Form 1 depends on the nature of the application.

Form 1 also includes this IDAS Assessment Checklist, which is used to assist in determining State assessment and referral requirements, and the Parts of Form 1 relevant to the application.

Section 1 and all other relevant sections of the IDAS Assessment Checklist, as identified in the Table below, must be completed for all development applications except those proposed on land in an urban development area, or for building work requiring assessment against the *Building Act 1975* only.

For more information about development applications on land in an urban development area, refer to www.ulda.qld.gov.au.

For more advice about building applications refer to Part B of the IDAS Application Form.

Answering the following questions will assist you in determining which sections of the checklist must be completed for your application. If unsure, phone or visit your local government or log onto the DIP website www.dip.qld.gov.au for help

For all IDAS development applications (except those for building work requiring assessment against the *Building Act 1975* only) - complete **Section 1** of this checklist

Does the application seek approval to materially change use of the premises? <i>If yes - complete Section 2 of this checklist</i>	☒ Yes	☐ No
Does the application seek approval to reconfigure a lot? <i>If yes - complete Section 3 of this checklist and Part F of IDAS Application Form 1. Assessment is by the local government.</i>	☐ Yes	☒ No
Does the application seek approval to carry out operational work? <i>If yes - complete Section 4 of this checklist</i>	☐ Yes	☒ No
Does the application seek approval to carry out building work requiring assessment against the <i>Fisheries Act 1994</i> ? <i>If yes - complete Section 5 of this checklist</i>	☐ Yes	☒ No
Have you received a referral agency response under section 3.3.2. of the IPA, in relation to this development application? <i>If yes - complete Section 6 of this checklist.</i>	☐ Yes	☒ No
Does the application seek approval to carry out building work requiring assessment against a local government planning scheme? <i>If yes - complete Part E of IDAS Application Form 1. Assessment is by the local government.</i>	☐ Yes	☒ No
Does the application seek approval to carry out building work requiring assessment against the <i>Building Act 1975</i> ? <i>If yes - go to Appendix 1 of this checklist for advice on building referrals. Complete Part B of IDAS Application Form 1. Assessment is by a building certifier</i>	☐ Yes	☒ No

SECTION 1

Section 1 must be completed for all applications that require completion of the IDAS Assessment Checklist.

HERITAGE

1.1A Is any part of the proposal intended to be carried out on a Queensland Heritage place under the *Queensland Heritage Act 1992*?

☒ No - Go to 1.1B ☐ Yes

IPA, schedule 8, part 1, table 5, item 2; IP Regulation, schedule 2, table 1, item 11, table 2, item 16; IPA, section 1.3.5 (Definitions for terms used in development).

- 1.1B Does the proposal involve development, other than development mentioned in the *Integrated Planning Act 1997* Schedule 9 (development that is exempt from assessment against a planning scheme), that is intended to be carried out on a place entered in a Local Heritage Register under Part 11 of the *Queensland Heritage Act 1992*?

☒ No - Go to Q1.2 ☐ Yes - (Complete Form 1, Part C.) This application requires assessment by the relevant local government against the IDAS Code in the *Queensland Heritage Regulation 2003*. If the development involves building work and the local government is not the Assessment Manager for the application, the local government has jurisdiction as Concurrence Agency.

IPA, schedule 8, part 1, table 5, item 2A; schedule 9, tables 1, 2, 3, 4 & 5; IP Regulation, schedule 2, table 1, item 11A; IPA, section 1.3.5 (Definitions for terms used in development); Queensland Heritage Regulation 2003, schedule 2 (IDAS Code)

REMOVING QUARRY MATERIAL; WILD RIVER AREA

- 1.2 Does the proposal involve removing quarry material from a watercourse or lake as defined under the *Water Act 2000*?

☒ No - Go to Q1.3 ☐ Yes

IPA, schedule 8, part 1, table 5, item 1; IP Regulation, schedule 2, table 2, item 11; IP Regulation, schedule 1, table 5, item 2 (wild river area); Water Act 2000, section 966C; Wild Rivers Act 2005, section 43A

ENVIRONMENTALLY RELEVANT ACTIVITY; WILD RIVER AREA

- 1.3 Does the proposal involve an environmentally relevant activity (ERA), other than a mining activity or a petroleum activity?

☒ No - Go to Q1.4 ☐ Yes

IPA, schedule 8, part 1, table 2, item 1; IPA, schedule 8, part 1, table 5, items 3 and 4; IP Regulation, schedule 2, table 2, items 1 and 23; Environmental Protection Act 1994, section 73AA (wild river area); Wild Rivers Act 2005, section 43A, relevant wild river declaration; Wild Rivers Code

WITHIN THE LIMITS OF A PORT

- 1.4 Is any part of the premises within the limits of a port under the *Transport Infrastructure Act 1994*?

☒ No - Go to Q1.5
☐ Yes

IP Regulation, schedule 2, table 2, items 15 and 16

DECLARED FISH HABITAT AREA

- 1.5 Does any part of the premises adjoin a declared fish habitat area under the *Fisheries Act 1994*?

☒ No - Go to Q1.6
☐ Yes - If answers to questions in other sections of this checklist indicate that the proposed development is **assessable under IPA, schedule 8**, this application requires assessment by the Department of Primary Industries and Fisheries (DPI&F). If DPI&F is not the Assessment Manager for the application, the agency has jurisdiction as Advice Agency.

IP Regulation, schedule 2, table 2, item 26

COMMUNITY INFRASTRUCTURE

- 1.6 Is any part of the premises designated for community infrastructure?

☒ No - Go to Q1.7
☐ Yes

IP Regulation, schedule 2, table 3, item 7

WASTE WATER MANAGEMENT

- 1.7 Does the proposal involve the establishment or expansion of a waste water disposal system?

☒ No - End of Section 1 ☐ Yes

IP Regulation, schedule 2, table 3, item 5

SECTION 2 - Section 2 must be completed when the application seeks approval to **materially change the use of premises**.

PLANNING SCHEME

- 2.1 Is the proposed use **assessable** under the planning scheme?

☐ No - Go to Q2.2 ☒ Yes - Complete Form 1, Part D and answer Q2.1.1 - 2.1.13 below

If yes, does the application request that the proposal be assessed against a superseded planning scheme?

☒ No ☐ Yes - (Complete Form 1 Attachment 1)

STATE-CONTROLLED ROAD

2.1.1 Is any part of the premises located in part of a future State-controlled road, or within 100m of a State-controlled road?

☐ Yes ☒ No

If no, is the proposed use listed in schedule 5 of the *Integrated Planning Regulation 1998* and does it exceed the specified threshold?

☒ No ☐ Yes - This application must be referred to the Department of Main Roads (DMR) as Concurrence Agency.

IP Regulation, schedule 2, table 3, items 1(a) and 3

ACID SULFATE SOILS

2.1.2 Is the use proposed in a local government area listed^{2.1} in State Planning Policy 2/02: *Planning and Managing Development Involving Acid Sulfate Soils*?

☒ No - Go to Q2.1.3 ☐ Yes

^{2.1} Aurukun, Bowen, Brisbane, Broadsound, Bundaberg, Burdekin, Burke, Burnett, Caboolture, Cairns, Calliope, Caloundra, Cardwell, Carpentaria, Cook, Cooloola, Douglas, Fitzroy, Gladstone, Gold Coast, Hervey Bay, Hinchinbrook, Isis, Johnstone, Livingstone, Logan, Mackay, Maroochy, Maryborough, Mirium Vale, Mornington, Noosa, Pine Rivers, Redcliffe, Redland, Rockhampton, Sarina, Thuringowa, Tiara, Torres, Townsville, Whitsunday

IP Regulation, schedule 2, table 3, item 4, State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils, section 3.6

COASTAL MANAGEMENT DISTRICT

2.1.3 Does the proposed use involve the following?

- | | | |
|--|--|------------------------------|
| (i) Carrying out operational work, completely or partly in a coastal management district | ☒ No | ☐ Yes |
| (ii) Carrying out building work, completely or partly in a coastal management district, that is the construction of new premises with a gross floor area (GFA) of at least 1,000m ² | ☒ No | ☐ Yes |
| (iii) Carrying out building work, completely or partly in a coastal management district, that is the enlargement of the GFA of existing premises by more than 1,000m ² | ☒ No | ☐ Yes |

If yes to any one of (i) - (iii) above - This application must be referred to the Environmental Protection Agency (EPA) as Concurrence Agency.

IP Regulation, schedule 2, table 3, item 6

VEGETATION CLEARING

2.1.4 Do the premises include a lot containing the following?

- | | | |
|---|--|------------------------------|
| (i) A category 1, 2 or 3 area shown on a Property Map of Assessable Vegetation (PMAV) | ☒ No | ☐ Yes |
| (ii) If there is no PMAV for a lot, remnant vegetation | ☒ No | ☐ Yes |

IP Regulation, schedule 2, table 3, item 11

CONTAMINATED LAND - UNEXPLODED ORDNANCE

2.1.5 Is any part of the premises in an area for which an area management advice has been given for unexploded ordnance?

☒ No - Go to Q2.1.6 ☐ Yes - (Complete Form 1, Part N) This application must be referred to the Administering Authority as Concurrence Agency.

IP Regulation, schedule 2, table 3, item 12

PUBLIC PASSENGER TRANSPORT

2.1.6 Is the proposed use of premises listed in schedule 13C of the *Integrated Planning Regulation 1998* and does it exceed the specified threshold?

☒ No - Go to Q2.1.7 ☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

IP Regulation, schedule 2, table 3, item 14

RAILWAY SAFETY AND EFFICIENCY

2.1.7 Is the proposed use of premises listed in schedule 13D of the *Integrated Planning Regulation 1998* and does it exceed the specified threshold?

☒ No - Go to Q2.1.8 ☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

IP Regulation, schedule 2, table 3, item 15

KOALA CONSERVATION

2.1.8 Is any part of the premises in a koala conservation area or koala sustainability area?

☒ No - Go to Q2.1.9 ☐ Yes

IP Regulation, schedule 2, table 3, item 18

EASEMENTS AND SUBSTATIONS

2.1.9 Is the use associated with reconfiguring a lot?

☐ Yes - Go to Q2.1.10 ☒ No - Answer both (a) and (b) below

(a) Will any part of any structure or work that is the natural and ordinary consequence of the use, be located in an easement?

☒ No - Go to (b) ☐ Yes - Answer both (i) and (ii) below

(b) Is any part of the premises situated within 100m of a substation site under the *Electricity Act 1994*?

☐ No ☒ Yes - This application must be referred to the entity responsible for the substation as Advice Agency.

IP Regulation, schedule 2, table 3, item 8 (electricity easement); IP Regulation, schedule 2, table 3, item 16 (pipeline easement); IP Regulation, schedule 2, table 3, item 9 (substation)

RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT IN A WILD RIVER AREA

2.1.10 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

☒ No - Go to Q2.1.11 ☐ Yes

IP Regulation, schedule 1, part 2, table 5, item 1(a); Wild Rivers code (Note: the code does not currently contain applicable provisions for residential, industrial or commercial development inside a designated urban area)

WETLAND

2.1.11 Is the proposal only for the construction or use of a single residence on a lot and any reasonably associated building or structure?

☒ Yes - Go to Q2.1.12 ☐ No

IP Regulation, schedule 2, table 3, item 20

HERITAGE

2.1.12 Do the premises include a lot sharing a common boundary with a Queensland Heritage place under the *Queensland Heritage Act 1992*?

☒ No - Go to Q2.1.13 ☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

IP Regulation, schedule 2, table 3, item 22

CERTAIN PRELIMINARY APPROVALS

2.1.13 Is preliminary approval sought for the application under the IPA, section 3.1.6?

☒ No - Go to Q2.2 ☐ Yes - (Complete Form 1, Attachment 2) This application must be referred to the Department of Infrastructure and Planning (DIP) as Advice Agency.

IP Regulation, schedule 2, table 3, item 23

BROTHEL

2.2 Is the proposed use a brothel as defined under the *Prostitution Act 1999*?

☒ No - Go to Q2.3 ☐ Yes

IPA, schedule 8, part 1, table 2, item 2; Prostitution Act 1999, section 64

STRATEGIC PORT LAND

2.3 Is any part of the use proposed on Strategic Port Land under the *Transport Infrastructure Act 1994*?

☒ No - Go to Q2.4 ☐ Yes

IPA, schedule 8, part 1, table 2, item 3; IP Regulation, schedule 2, table 2, item 6

MAJOR HAZARD FACILITY

2.4 Is the proposed use a major hazard facility or possible major hazard facility under the *Dangerous Goods Safety Management Act 2001*?

☒ No - Go to Q2.5 ☐ Yes - (Complete Form 1, Part L) This application requires assessment by the Department of Emergency Services (DES). If DES is not the Assessment Manager for the application, the agency has jurisdiction as Concurrence Agency.

IPA, schedule 8, part 1, table 2, item 4; IP Regulation, schedule 2, table 2, item 7

CONTAMINATED LAND - REGISTERED LAND

2.5 Is any part of the land forming the premises on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*?

☐ No - Go to Q2.6 ☒ Yes

If yes, does one or more of the following apply?

- (i) A suitability statement has been given and a site management plan has been approved for the proposed use of the land, and the proposed use involves only the following -
- the fit-out of a building on the land; or ☒ No ☐ Yes
 - minor site excavation, including for example, post holes for open-sided non-habitable structures
- (ii) There is currently a notifiable activity on the land and the activity is continuing ☐ No ☒ Yes
- (iii) The proposed use is industrial and only involves minor site excavation (e.g. post holes for open-sided non-habitable structures) ☒ No ☐ Yes
- (iv) The land is used for a mining activity or petroleum activity ☐ No ☒ Yes

If no to all (i) - (iv) above - (Complete Form 1, Part N) This application requires assessment by the Environmental Protection Agency (EPA). If EPA is not the Assessment Manager for the application, the agency has jurisdiction as Concurrence Agency.

IPA, schedule 8, part 1, table 2, item 5; IP Regulation, schedule 2, table 2, item 22

CONTAMINATED LAND - NOTIFIABLE ACTIVITY

2.6 Is any part of the land forming the premises currently used for a notifiable activity, or if there is no existing use was it last used for a notifiable activity?

☐ No - Go to Q2.7 ☒ Yes

If yes, does one or more of the following apply?

- (i) A suitability statement, removing the land from the environmental management register, has been given under the *Environmental Protection Act 1994* for the existing use, or if there is no existing use, the last use, and the following **both** apply -
- no new notifiable activity has occurred on the land since the suitability statement was issued; ☒ No ☐ Yes
 - the land is not otherwise contaminated by a hazardous contaminant
- (ii) A suitability statement has been given and a site management plan has been approved for the proposed use of the land, and the proposed use involves only the following -
- the fit-out of a building on the land; or ☒ No ☐ Yes
 - minor site excavation, including for example, post holes for open-sided non-habitable structures
- (iii) The land is used for a mining activity or petroleum activity ☐ No ☒ Yes

If no to all (i) - (iii) above - (Complete Form 1, Part N) This application requires assessment by the Environmental protection Agency (EPA). If EPA is not the Assessment Manager for the application, the agency has jurisdiction as Concurrence Agency.

IPA, schedule 8, part 1, table 2, item 6; IP Regulation, schedule 2, table 2, item 22

CONTAMINATED LAND - INDUSTRIAL ACTIVITY

2.7 Is any part of the premises currently used for an industrial activity (other than for a mining activity or petroleum activity), or if there is no existing use was it last used for an industrial activity (other than for a mining activity or petroleum activity)?

☒ No - Go to Q2.8 ☐ Yes

IPA, schedule 8, part 1, table 2, item 6; IP Regulation, schedule 2, table 2, item 22

CONTAMINATED LAND - AREA MANAGEMENT ADVICE (NATURAL MINERALISATION OR INDUSTRIAL ACTIVITY)

2.8 Is any part of the premises in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or petroleum activity)?

☒ No - Go to Q2.9
☐ Yes

IPA, schedule 8, part 1, table 2, item 7; IP Regulation, schedule 2, table 2, item 22

AQUACULTURE; WILD RIVER AREA

2.9 Is the proposed use for aquaculture as defined under the *Fisheries Act 1994*?

☒ No - Go to Q2.10 ☐ Yes

IPA schedule 8 part 1, table 2, item 8; IPA schedule 8, part 2, table 2, item 1 (self-assessable aquaculture); IP Regulation, schedule 2, table 2, item 27; Fisheries Act 1994, section 76DA (wild river area); Wild Rivers Act 2005, section 43A

AGRICULTURAL AND ANIMAL HUSBANDRY ACTIVITIES IN A WILD RIVER AREA

2.10 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

☒ No - Go to Q2.11 ☐ Yes

IPA schedule 8 part 1, table 2, item 11; IP Regulation, schedule 2, table 2, item 36; Wild Rivers Act 2005, sections 42, 43A

SEQ REGIONAL PLAN

2.11A Is any part of the premises within the South East Queensland (SEQ) Regional Plan area?

☐ No - Go to Q2.11B ☒ Yes

If yes, are the premises within **one or more** of the following areas?

- A Major Development Area in the Urban Footprint ☒ No ☐ Yes - (Answer (a) to (c) below)
- The Regional Landscape and Rural Production Area ☒ No ☐ Yes - (Answer (d) below)
- The Rural Living Area ☒ No ☐ Yes - (Answer (e) below)
- The Investigation Area ☒ No ☐ Yes - (Answer (f) and (g) below)

SEQ Regional Plan 2005-2026, Amendment 1, Regulatory Provisions, division 2; IP Regulation, schedule 2, table 3, item 13; IPA, section 2.5A, 12 (3)

STATE PLANNING REGULATORY PROVISIONS (REGIONAL PLANS)^{2.2}

2.11B Is any part of the premises within a designated region under Schedule 1 of the draft regulatory provisions?

☒ No - Go to Q2.12 ☐ Yes

^{2.2} State Planning Regulatory Provisions (Regional Plans) are the draft regulatory provisions

State Planning Regulatory Provisions (Regional Plans), division 2; IP Regulation, schedule 2, table 3, item 13; IP Regulation, schedule 3A

CONSERVATION ESTATE

2.12 Is the proposal for urban purposes, as defined under the IPA?

☒ No - Go to Q2.13 ☐ Yes

IP Regulation, schedule 2, table 2, item 40

REMOVAL, DESTRUCTION OR DAMAGE OF A MARINE PLANT

2.13 Does the proposed use involve the removal, destruction or damage of marine plants under the *Fisheries Act 1994*?

☒ No - End of Section 2 ☐ Yes

IPA, section 3.2.2A; IPA, schedule 8, part 1, table 4, item 8 (assessable development); IPA, schedule 8, part 2, table 4, item 4 (self-assessable development); Fisheries Regulation 1995 s113A (self-assessable codes); IP Regulation, schedule 2, table 2, item 29; IP Regulation, schedule 1, part 3, table 4, item 8; Fisheries Act 1994, section 76DB (wild river area); Wild Rivers Act 2005, section 43A

Disclaimer:

While the Department of Infrastructure and Planning (DIP) believes that this information contained on this form and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information without first making your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law DIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this form.



Town Planning Report

NOOSA CIVIC CENTRE

**28 EENIE CREEK ROAD
NOOSAVILLE**

Published on DES Disclosure Log
RTI Act 2009

Prepared by
WA Stockwell Pty Ltd
August 2008

EXECUTIVE SUMMARY

This Town Planning Report accompanies a Code Assessable Material Change of Use Application which seeks approval to permit a new use, Entertainment and Dining Type 2 (Amusement) to operate within the existing Noosa Civic Centre. The proposal has been prompted to preserve the ongoing operational flexibility of the development and facilitate a TAB to establish within the Noosa Civic Centre.

The development application is supported by this Town Planning Report and has been assessed against the relevant and applicable provisions of the statutory town planning framework.

The particulars of the site and the development application are summarised below:-

STREET ADDRESS	28 Eenie Creek Road Noosaville
RP DESCRIPTION	Lot 2 on SP 182880, County of March, Parish of Tewantin
SITE AREA	33.14ha
REGISTERED OWNER	Mirose Pty Ltd ACN 010 278 118
SEQ REGIONAL PLAN	Urban Footprint Major Activity Centre
LOCALITY DESIGNATION	Noosaville Locality
ZONING	Noosa Shire Business Centre Open Space Conservation
APPLICANT	W.A. Stockwell Pty Ltd ACN 010 095 360
APPLICANT'S REPRESENTATIVE	sch4p4(6) Personal information W.A. Stockwell Pty Ltd PO Box 3144 South Brisbane QLD 4101 P: 07 3004 6858

CONTENTS

1	INTRODUCTION	5
2	SITE CHARACTERISTICS	6
2.1	Location	6
2.2	The Noosa Shire Business Centre.....	6
2.3	Road Frontages and Access.....	7
2.4	Easements.....	8
2.5	Covenants	9
2.6	Topography	9
2.7	Significant Flora and Fauna and Waterway Values.....	9
2.8	Site Contamination and Notifiable Activity.....	10
2.9	Heritage Context	10
2.10	Adjacent and Surrounding Land Use.....	10
3	APPLICATION DETAILS.....	12
3.1	Application Particulars.....	12
3.2	Proposal Description	13
4	KEY PLANNING ISSUES	14
4.1	Car parking.....	14
4.2	Achieving the Noosa Shire Business Centre Vision.....	15
5	STATUTORY FRAMEWORK.....	16
5.1	Integrated Planning Act 1997	16
5.1.1	Code Assessment	16
5.1.2	State Planning Policies	17
5.1.3	Referral.....	17
5.2	South East Queensland Regional Plan.....	18
5.2.1	Regulatory Provisions.....	18
5.2.2	Regional Policies.....	18
5.3	Noosa Shire Council Planning Scheme	19
5.3.1	Desired Environmental Outcomes	19
5.3.2	Localities	19
5.3.3	Zones	20
5.3.4	Precincts	20
5.3.5	Overlays.....	20
5.3.6	Use Codes and Works Codes.....	21
5.3.7	Defined Use	21

5.3.8	Level of Assessment	21
5.3.9	Environmental Protection Act 1994	22
5.3.10	Nature Conservation Act 1992.....	22
5.3.11	Nature Conservation (Koala) Conservation Plan 2006.....	22
5.3.12	Environment Protection and Biodiversity Conservation Act 1999.....	23
5.3.13	Aboriginal Cultural Heritage Act 2003.....	23
6	TOWN PLANNING COMPLIANCE SUMMARY	24
7	RECOMENDATIONS	25

FIGURES

- Figure 1** – Subject Site
Figure 2 –External Dining Precinct
Figure 3 –Tenancy Location Plan
Figure 4 – Tenancy Area Plan

APPENDICES

- Appendix 1**- Town Planning Compliance Summary
Appendix 2 - Current Title Search and Easement Documentation
Appendix 3 – Easement Documentation
Appendix 4 – Covenant Documentation
Appendix 5 – Notice of Land Listed on Environmental Land Register
Appendix 6 - Cultural Heritage Search

1 INTRODUCTION

This Town Planning Report is submitted to Sunshine Coast Regional Council in support of a Material Change of Use development application which seeks to allow a TAB to operate within the existing Noosa Civic Centre, located at 28 Eenie Creek Road, Noosaville.

The Town Planning Report details the characteristics of the subject site and the existing development thereon, along with the statutory framework against which the proposed development is to be assessed. A detailed assessment of the proposal against the relevant provisions of the statutory town planning framework is also provided.

Published on DES Disclosure Portal
RTI Act 2009

2 SITE CHARACTERISTICS

2.1 Location

The subject site is located at 28 Eenie Creek Road, Noosaville, more properly described as Lot 2 on SP 182880, County of March, Parish of Tewantin

Refer to **Figure 1- Subject Site.**

The subject site contains an area of approximately 33.14ha. The change of use is proposed only over Tenancy T1036, T1037 and part T1038 within the external entertainment and dining precinct of the existing Noosa Civic Shopping Centre, estimated to comprise an area of 173 m² Total Use Area.

Refer to **Figure 2 –External Entertainment & Dining Precinct** and for further details

2.2 The Noosa Shire Business Centre

The subject site represents the majority part of the Noosa Shire Business Centre (SBC), which is designated under the Noosa Shire Council Planning Scheme. The Noosa Shire Business Centre comprises a total of 70.55 hectares of land, of which Mirose Pty Ltd (a wholly owned subsidiary of W.A. Stockwell Pty Ltd), owns the 33.14 hectares which comprises Lot 2 on SP182880.

The Noosa Shire Business Centre is intended to develop as the business and employment focus of the Shire and continues to be developed in stages.

Stage one involved the establishment of the Noosa Civic Shopping Centre – a discount department store based shopping centre of approximately 23,900 sqm GFA. In addition the development established 7,200 sqm GFA of Emporium retail showrooms, a service station and around 4,925 sqm GFA of commercial and business office space. Stage One opened in October 2006 and therefore represents the current use of the site.

Stage Two is the subject of a development application currently before Council and proposes the development of a Business Park comprising approximately 7,440 sqm GFA of commercial floor space.

Stage Three is also the subject of a development application before council and seeks to extend the existing Noosa Civic Shopping Centre and provide for a substantial civic space and additional office/ business space.

2.3 Road Frontages and Access

The subject site has frontages to Eenie Creek Road (approximately 730m) and Walter Hay Drive (approximately 1,030m), both of which are designated by Sunshine Coast Regional Council as part of the major road network. Neither road is a State-controlled road.

Eenie Creek Road runs generally in an east – west direction along the northern boundary of the subject site.

Walter Hay Drive runs generally along the eastern boundary before dividing the subject site at the northern-eastern corner and intersecting with Eenie Creek Road at a roundabout.

Vehicular access and site servicing is currently provided from both Eenie Creek Road and Walter Hay Drive. Both intersections function 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. However, this intersection does not currently provide access into the site.

Pedestrian and cyclist access to the site is primarily provided via path from the Eenie Creek Road frontage, via a network of footpaths/bikeways. Tunnels have previously been constructed under both Eenie Creek Road and Walter Hay Drive to provide safe cyclist and pedestrian access to the subject site.

2.4 Easements

The subject site is affected by a number of easements, the particulars of which are summarized as follows:

EASEMENT NO.	DESCRIPTION
Easement 602533547 (G983354)	Burdens the subject site in gross in favour of the South East Queensland Electricity Board (as it was known at the time) for the purposes of conveying, distributing and transforming electricity over, across and on the subject site.
Easement 602533548 (H49699)	Burdens part of the subject site at the north-western corner adjacent to Eenie Creek Road in favour of Noosa Shire Council for the purposes of sewerage drains, pipes and pumping station.
Easement 602533554 (L463025D)	Burdens the subject site in gross in favour of Noosa Shire Council for the purposes of water supply.
Easement 710212346	Burdens part of the subject site at the north-eastern corner adjacent to Eenie Creek Road in favour of Noosa Shire Council for the purposes of entering the subject site to maintain, repair and replace an open drainage channel and drain water over the subject site.
Easement 710227520	Burdens part of the subject site at the north-western corner adjacent to Eenie Creek Road in favour of Noosa Shire Council for the purposes of sewerage drains and pipes.
Easement 710227521	Burdens part of the subject site along the northern and western boundaries in favour of Noosa Shire Council for the purposes of water supply and sewerage drains and pipes.
Easement 710227522	Burdens parts of the subject site adjacent to Walter Hay Drive in favour of Noosa Shire Council for the purposes of drainage.
Easement 710227524	Burdens the subject site in gross in favour of Energex Ltd for the purposes of conveying, distributing and transforming electricity over, across and on the subject site.

Refer **Appendix 2- Current Title Search & Survey Plans and Appendix 3- Easement Documentation** for further details.

2.5 Covenants

Four separate parts of the site are subject to a statutory covenant, made between Mirose Pty Ltd and the Noosa Shire Council pursuant to the *Land Title Act 1994*, which seeks to preserve existing native vegetation on the land. The covenanted areas generally corresponds with areas identified on the Shire Business Centre map as OS3, OS5 and OS7 Open Space Precincts, as well as an additional area at the southern most part of the site, adjacent to Eenie Creek.

The terms of the covenant provide that existing vegetation is generally preserved. However, the covenant does allow that fixtures, buildings, structures or paths which would otherwise have been prohibited may be constructed within the covenanted areas where shown on plans approved by Noosa Shire Council or its successors.

Refer to **Appendix 4– Covenant Documentation** for further details.

2.6 Topography

The site is generally flat to gently sloping, with the natural ground level varying between RL 5.3m and RL 8.3m.

The subject site is identified in the Noosa Shire Planning Scheme ("*Noosa Plan*") as forming part of a system of lowlands which flow to Lake Weyba and the Noosa River.

Drainage corridors are also situated on the subject site, running generally in a north-east to south-west direction to Eenie Creek south of the site. The corridors have been designated by *Noosa Plan* as OS5 and OS7 – Open Space (Environmental Drainage) precincts.

2.7 Significant Flora and Fauna and Waterway Values

That part of the subject site upon which the existing Noosa Civic Shopping Centre is constructed has been extensively cleared and developed.

The subject site is situated in a designated Urban Koala Area, a statutory area identified by the South East Queensland Regional Plan pursuant to the *Integrated Planning Act 1997* as a known koala habitat.

A waterway corridor or wetland is not located on the subject site. However, Eenie Creek is located on an adjacent property to the south of the subject site and flows to Lake Weyba to the east.

The site is situated approximately 2.4km west of Lake Weyba and 2km south of Noosa River Wetlands, two areas identified as nationally important wetlands in the Directory of Important Wetlands in Australia (DIWA).

2.8 Site Contamination and Notifiable Activity

The site is listed on the Environmental Land Register due to a service station located on the site but not the Contaminated Land Register as administered by the Environmental Protection Agency.

Refer to **Appendix 5 - Environmental Management Register Extract.**

2.9 Heritage Context

The subject site is not identified as a heritage site of local significance and is not included on the Queensland Heritage Register pursuant to the *Queensland Heritage Act 1992*.

Further, the subject site is not listed on the Aboriginal and Torres Strait Islander Cultural Heritage Database or the Aboriginal and Torres Strait Islander Cultural Heritage Register maintained by the Department of Natural Resources.

Refer to **Appendix 6 - Aboriginal and Torres Strait Islander Cultural Heritage Register Extract.**

2.10 Adjacent and Surrounding Land Use

The subject site is situated in the southern part of the suburb of Noosaville, which is in the south-eastern part of the Noosa Shire. Noosaville is recognised as providing for much of the Shire's commercial, retail, industrial and social needs.

To the immediate west of the subject site is the Shire's primary industrial precinct, concentrated along Eumundi Road, Rene Street and Lionel Donovan Drive.

The canal estate of Noosa Waters is situated north of subject site, and beyond to urban residential area of Noosaville, which focuses on the Noosa River. This location contains sporting fields and community theatre facilities along Weyba Road, caravan and camping park at Munna Point, scout den and grounds along Gibson Road, as well as shopping facilities and restaurants adjacent to the Noosa River.

The Noosa Hospital is situated north-west of the subject site on Goodchap Street, along with adjacent sporting and cultural facilities, including the Council library, at Wallace Park Estate.

To the east of the subject site is the North Weyba section of the Noosa National Park and Lake Weyba. This area is heavily treed and largely undisturbed and is recognised as an open space conservation area. At a broader scale, the subject site is located in close proximity to the following areas and facilities:

- Tewantin, which is situated approximately 2km north-west of the subject site;
- Noosa Village Shopping Centre, which is situated approximately 2km from the subject site;
- Sunshine Motorway, which is approximately 3.7km south of the subject site;
- Noosa Junction, which is situated approximately 4.5km north-east of the subject site
- Hastings Street and Laguna Bay, which is situated approximately 5km north-east of the subject site;
- Maroochydore, which is situated approximately 27km south of the subject site; and
- Brisbane, which is approximately 120km south of the subject site.

The site is situated at the northern extremity of the Sunshine Coast.

3 APPLICATION DETAILS

3.1 Application Particulars

DEVELOPMENT TYPE	Development Permit – Material Change of Use: Business Uses (Entertainment and Dining Type 2- Amusement)
LEVEL OF ASSESSMENT	Code Assessment
REFERRAL	Environmental Protection Agency – Referral (Concurrence) Agency Energex – Referral (Advice) Agency
APPLICANT	W. A. Stockwell Pty Ltd ACN 010095360
APPLICANTS REPRESENTATIVE	sch4p4(6) Personal information W.A Stockwell Pty Ltd PO Box 3144 South Brisbane QLD 4101 P: 07 3004 6858

Application Fees - \$ 3,950.00

Fees are calculated as follows:

For Material Change of Use –Entertainment and Dining Type 2 (Amusement).

(more than 150m² but less than 500m² the fee is \$3950 Schedule of Regulatory Fees 2008/09, p4):

The application forms are Form 1, Parts A, D and the Assessment Checklist of the Integrated Planning Act.

3.2 Proposal Description

The development application seeks approval for a new business use being Entertainment and Dining Type 2 (Amusement) to operate within Tenancies T1036, T1037 and part T1038 of the Noosa Civic Shopping Centre. The combined total use area is 173m².

Refer to **Figure 3 – Tenancy Location Plan** and **Figure 4 – Tenancy Area Plan** for further details.

TAB is a betting service which allows bets to be placed on horse racing, harness racing, greyhound racing and a wide range of sports.

Proposed minimum trading hours are:

- Monday, Tues & Wed 11 am – 6 pm;
- Thurs 11 am – 9 pm;
- Sat 10 pm – 6 pm; and
- Sun 11 am – 5 pm.

The proposed change of use would be in addition to the existing approved uses for this tenancy which include:

- Shops;
- Professional Offices;
- Commercial Premises;
- Commercial Services;
- Restaurants
- Service Shops;
- Fast Food Premises;
- Medical Centre;
- Outdoor Entertainment; and
- Special Purposes.

Tenancies T1036, T1037 and part T1038 are located within the external entertainment and dining precinct (T1035A- T1038) of the Noosa Civic Shopping Centre which is on the eastern extremity and are without access from within the Noosa Civic Shopping Centre. Adjacent Tenancies consist of fast food premises (China Jade and Subway). All other Tenancies are vacant.

For the most part the Noosa Civic Shopping Centre has performed well with the exception of the external entertainment and dining precinct. Quite simply the precinct has failed because it does not have an "anchor" to draw customers or offer a "point of difference" from other retailing areas within the Noosa Civic Shopping Centre.

It is contended that TAB is appropriate for this area as it will facilitate the following:

- Provide an anchor and a point of difference between the external and internal areas of the Noosa Civic Shopping Centre;
- Opportunity to renovate vacant tenancies;
- The ability to relaunch the precinct as a viable external entertainment and dining precinct; and
- Attract new retailers to the precinct.

It is important to note that development contributions and charges were negotiated during the assessment of Development Approval 22803. The negotiation required the equivalent of a high intensity charge to be paid over the Retail Mall in order to allow any of the approved uses to operate within any of the tenancies. The relevant charge for Entertainment and Dining Type 2 (Amusement) is consistent with only a medium intensity charge. On this basis we do not consider it relevant or reasonable for Council to apply additional charges or contributions to the change of use.

4 KEY PLANNING ISSUES

4.1 Car parking

Carparking is provided on site, predominately at-grade and has provision for a total of 1413 carparks.

Carparking for the Noosa Civic Centre is provided at a rate of 5.4 spaces per 100m².

When the proposed development is assessed in the context of generating demand of additional car parking spaces it is estimated that the proposal generates demand for an additional 9 carparks.

When the proposed development is assessed in the context of the applicable minimum carparking rates as required by the planning

scheme, the proposal also generates demand for 9 carparks calculated as follows: -

Entertainment and Dinning Type 2 (Amusement) - 1 space per 20m² or 1 space per 3 persons capable of being entertained at any one time, whichever is the greater".

On the basis that the generated traffic demand for the TAB under the Noosa Planning Scheme is the same as the approved generated traffic demand we believe that the existing carpark has sufficient capacity to cater for the proposed change of use.

4.2 Achieving the Noosa Shire Business Centre Vision

The Noosa planning scheme intends that the Noosa Shire Business Centre develops as the highest order centre in the Shire and the focus for key employment and business activities within Noosa.

The proposed TAB does not seek to undermine the vision for the Shire Business Centre but instead seeks to provide a new use so as to provide the vitality necessary for the external entertainment and dining area to function.

Importantly, the proposed change of use is a consistent use and seeks to preserve the ongoing operational flexibility of the Noosa Civic Shopping Centre which is critical for Business Centres such as the Shire Business Centre.

5 STATUTORY FRAMEWORK

5.1 Integrated Planning Act 1997

5.1.1 Code Assessment

The Integrated Planning Act 1997 (IPA) provides the overall statutory planning framework for Queensland. The subject site is included within the jurisdiction of the Noosa Planning Scheme (the planning scheme), which came into effect on 03 February 2006. Accordingly, the Noosa Planning Scheme should be read in conjunction with the IPA.

The planning scheme requires that all aspects of the proposed development be subject to Code assessment. In assessing the development application, Council as the assessment manager must have regard to section 3.5.4 of the *Integrated Planning Act 1997*, which provides:-

"3.5.4 Code Assessment

- (1) *This section applies to any part of the application requiring code assessment.*
- (2) *The assessment manager must assess the part of the application only against:*
 - a. *applicable codes (other than concurrence agency codes the assessment manager does not apply); and*
 - b. *subject to paragraph (a) – the common material; and*
 - c. *if they are not identified in the planning scheme as being appropriately reflected in the planning scheme –*
 - i. *State planning policies, or parts of State planning policies; and*
 - ii. *For the planning scheme of a local government in the SEQ region – the SEQ regional plan; and*
 - d. *if the assessment manager is an infrastructure provider – the priority infrastructure plan...".*

In deciding the development application, Council as the assessment manager must have regard to section 3.5.13 of the *Integrated Planning Act 1997*, which provides:

"3.5.13 – Decision if application requires code assessment

- (1) *This section applies to any part of the application requiring code assessment.*
- (2) *The assessment manager must approve the application if the assessment manager is satisfied the application complies with all applicable codes whether or not conditions are required for the development to comply with the codes.*
- (3) *Subject to subsection (2), the assessment manager's decision may conflict with an applicable code only if there are sufficient grounds to justify the decision despite the conflict having regard to –*
 - a. *the purpose of the code;*
 - b. *if they are not identified in the planning scheme as being appropriately reflected in the planning scheme –*
 - i. *State planning policies, or parts of State planning policies; and*
 - ii. *For the planning scheme of a local government in the SEQ region – The SEQ regional plan..."*

5.1.2 State Planning Policies

The development application must have regard to all relevant and applicable State Planning Policies, which are not incorporated or reflected in the Noosa Shire Council planning scheme. No State Planning Policies reflected in the planning scheme are relevant to the subject site and the proposed development.

5.1.3 Referral

The development application triggers referral to the following Referral Agencies (Concurrence, Advice and Third Party Advice) under the provisions of the Integrated Planning Act 1997 and the Integrated Planning Regulation 1998.

5.1.3.1 Environmental Protection Agency

Part of the site is developed and used as a service station which is listed on the Environmental Management Register or Contaminated Land Register under the Environmental Protection Act 1994 the development application is therefore referable to the Environmental Protection Agency (Contaminated Land Unit) as a Concurrence Agency.

5.1.3.2 Energex

The subject site is burdened by an easement on the land for a transmission grid or supply network in favour of Energex. The application is therefore referable to Energex as an Advice Agency.

5.2 South East Queensland Regional Plan

The South East Queensland (SEQ) Regional Plan came into effect on 30 June, 2005 and was subsequently amended by Amendment One on 31 October 2006. The Regional Plan seeks to guide growth and development in the South East Queensland region to 2026.

The provisions of the SEQ Regional Plan (as amended) are applicable to land within the jurisdiction of Sunshine Coast Council and, therefore, to the site. The site is wholly included in the Urban Footprint under the SEQ Regional Plan.

5.2.1 Regulatory Provisions

The Amendment One Regulatory Provisions of the SEQ Regional Plan apply in addition to any relevant matters applying under a planning scheme for assessing and deciding a development application.

The Amendment One Regulatory Provisions of the SEQ Regional Plan define an Urban Activity as follows:-

- (1) *Urban activity means a residential, industrial, retail, commercial, sporting, recreation, tourism or community activity...*

For the purposes of the SEQ Regional Plan, the proposal therefore constitutes an Urban Activity on land within the Urban Footprint. As a consequence, none of the subdivisions of the Regulatory Provisions (which provide additional development assessment criteria for stated development in particular areas) are applicable to this development application.

5.2.2 Regional Policies

Under the SEQ Regional Plan, and as far as can be determined from the broad scale mapping, the subject site is not affected by any designation on the SEQ Regional Plan policy maps.

5.3 Noosa Shire Council Planning Scheme

Development on land within the jurisdiction of Sunshine Coast Region (Noosa Shire) is regulated by the Noosa Planning Scheme, which came into force on 03 February 2006. Whilst, at the time of lodgement, draft amendments to the Planning Scheme are proposed, those amendments have not taken effect and have therefore not been taken into account.

The planning scheme comprises a series of structural elements which the following sections identify and briefly discuss, to the extent they apply to the proposed development.

5.3.1 Desired Environmental Outcomes

Part 3 of the planning scheme sets down the Desired Environmental Outcomes for development throughout the Shire over the life of the planning scheme. The Desired Environmental Outcomes are based on the concept of ecological sustainability (as it is defined for the purposes of the Integrated Planning Act 1997) and are the means whereby the planning scheme ultimately seeks to advance the purpose of that Act.

The Desired Environmental Outcomes which are relevant to the proposed development are set out at **Appendix 1 – Town Planning Compliance Schedule**.

5.3.2 Localities

The planning scheme divides the whole of the Noosa Shire into a series of geographic localities for the purposes of regulating development, the provisions for each of which, including assessment tables and a specific Locality Code, are contained in a Locality Plan.

The site is wholly contained within the Noosaville Locality.

The applicable provisions of the Noosaville Locality Code, comprising the Overall Outcomes, Specific Outcomes and Probable Solutions, are included at **Appendix 1 – Town Planning Compliance Schedule**.

5.3.3 Zones

The planning scheme further divides each of the Localities into a series of Zones which more precisely reflect the preferred pattern of development and land use.

The site is subject to a split zoning under the planning scheme, being predominantly contained in the Noosa Shire Business Centre Zone, but also partly within the Open Space Conservation Zone.

The development assessment provisions which are applicable to development in the Noosa Shire Business Centre Zone are contained in the Noosaville Locality Code under the planning scheme and included herein at **Appendix 1 – Town Planning Compliance Schedule**.

5.3.4 Precincts

The planning scheme provides for certain Zones to incorporate Precincts which provide a finer level of guidance as to the pattern and nature of development that was anticipated at the time the planning scheme was prepared. Both the Shire Business Centre Zone and the Open Space Conservation Zone incorporate a series of Precincts which divide the Noosa Shire Business Centre site into discrete land use areas.

The planning scheme provisions applicable to development in each of the relevant Precincts are set down by the Noosaville Locality Code and are included in full at **Appendix 1– Town Planning Compliance Schedule**.

5.3.5 Overlays

A series of four Overlays are included in the planning scheme, each of which identifies the extent of a range of environmental, heritage and locational constraints throughout the Shire.

Each Overlay Map included in the planning scheme is supported by an Assessment Table which, in some instances, alters the level of assessment that would otherwise apply to development in a particular Zone, along with an Overlay Code containing specific development assessment criteria which apply to development on land affected by the Overlay.

In this instance the proposed development is exempt development as the criteria do not apply.

5.3.6 Use Codes and Works Codes

The planning scheme includes a suite of Use Codes and Works Codes which apply specifically to development of a stated purpose or type. The development application is subject to the procedures of Code Assessment under the Noosa Shire Council Planning Scheme. The following Use Codes and Works Codes, or parts thereof, are therefore considered relevant to the assessment of this Material Change of Use application:-

Use Codes

- Business Uses Code.

Works Codes

- Driveways and Carparking Code;

The relevant sections of the applicable Use Codes and Works Codes are included at **Appendix 1 – Town Planning Compliance Schedule**.

5.3.7 Defined Use

Section 2.11 of the Noosa Shire Council Planning Scheme provides a list of defined land use activities. For the purposes of the planning scheme, the components of the proposed development are defined as follows:-

Business Uses (Entertainment and Dining Business Type 2 Recreation, Amusement and Fitness)

The use of premises involving recreation or amusement activities, including cinema, health & fitness club, gym, sport activity or brothel.

5.3.8 Level of Assessment

Part 11, Divisions 9 and 13 of the planning scheme prescribe the levels of assessment for assessable Material Changes of Use development in the Shire Business Centre Zone and Open Space Conservation Zone of the Noosaville Locality.

The proposed development is subject to Code Assessment (Consistent Uses) in accordance with Part 11, Divisions 9 and 13 of the planning scheme.

Part 13 of the planning scheme prescribes alternative levels of assessment for development on land affected by the respective Overlays. However, as the Assessment Tables for the Shire Business Centre Zone and the Open Space Conservation Zone make the proposed development Code Assessable in the initial instance and, in accordance with Section 2.6.4 of the planning scheme, the primary level of assessment is not altered as a consequence of the land being affected by any of the respective Overlays.

5.3.9 Environmental Protection Act 1994

The site is listed on the Environmental Management Register as a service station is currently located and operating on the site. The service station is prescribed as a Notifiable Activity by Schedule 2 to the Environmental Protection Act 1994.

5.3.10 Nature Conservation Act 1992

The *Nature Conservation Act 1992* provides for the conservation of nature and prescribes management principles for protected wildlife. The Act also makes provision for the prescription of specific requirements to recover or conserve wildlife within a Conservation Plan. Following the listing of the koala as a Vulnerable Species within the South East Queensland Bioregion in 2004, the *Nature Conservation (Koala) Conservation Plan* was prepared and came into force on 02 October 2006.

Upon its adoption, the *Nature Conservation (Koala) Conservation Plan 2006* superseded the *SEQ Regional Plan – Interim Guideline: Koalas and Development*, which had previously regulated development in regard to koalas throughout the South East Queensland region.

5.3.11 Nature Conservation (Koala) Conservation Plan 2006

The *Nature Conservation (Koala) Conservation Plan 2006* (hereafter referred to as the Koala Conservation Plan) divides the State into three Koala Districts. The site is situated within Koala District A, which encompasses the South East Queensland region.

Koala District A is further divided into three discrete Koala Habitat Areas. The subject site is contained in the Urban Koala Area, which recognises land that is both located within the Urban Footprint under the SEQ Regional Plan and has a recognised urban planning intent

under the relevant local government planning scheme. Land within the Urban Koala Area may include areas in which vegetation is cleared, heavily fragmented or demonstrates only varied levels of habitat connectivity and koala habitat values.

Section 5.5 of the Koala Conservation Plan prescribes that the application is assessable against the development assessment criteria set down at Table 12 of the Koala Conservation Plan.

5.3.12 Environment Protection and Biodiversity Conservation Act 1999

The development application does not trigger referral to the Australian Government Department of Environmental and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

5.3.13 Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003* establishes a cultural heritage duty of care which, amongst other objectives, seeks to protect areas and artefacts of Aboriginal cultural heritage from disturbance, damage and other potentially adverse impacts of development.

To the best of the Applicant's knowledge, no indigenous cultural heritage sites or values occur on that part of the site over which application is made.

6 TOWN PLANNING COMPLIANCE SUMMARY

A detailed assessment of the proposed development against the applicable statutory assessment provisions is provided at **Appendix 1– Town Planning Compliance Schedule**.

In summary, the proposed development complies, and is consistent with the relevant and applicable provisions of the statutory town planning framework, including the:-

- Integrated Planning Act 1997;
- Integrated Planning Regulation 1998;
- South East Queensland Regional Plan;
- Environmental Protection Act 1994; and
- Noosa Shire Council Planning Scheme, comprising the:-
 - Desired Environmental Outcomes for the Shire;
 - Overall Outcomes for the Noosaville Locality, Shire Business Centre Zone, applicable Overlays and all relevant Codes;
 - Specific Outcomes for the relevant Codes; and
 - Probable Solutions for the relevant Codes.

The proposed development represents the continued development of the Noosa Shire Business Centre and is critical to preserve the ongoing operational flexibility of the Noosa Civic Centre development.

7 RECOMENDATIONS

The proposal is for a material change of use of premises over Tenancy T1036, T1037 and part T1038 within the existing Noosa Civic Shopping Centre. The combined total use area is 173m².

It is contended that TAB is appropriate for this area as it will preserve the ongoing operational flexibility of the development and also facilitate the following:

- Provide an anchor and a point of difference between the external and internal areas of the Noosa Civic Shopping Centre;
- Opportunity to renovate vacant tenancies;
- The ability to relaunch the precinct as a viable external entertainment and dining precinct; and
- Attract new retailers to the precinct.

The proposed change in use is consistent with the nature and function which the centre is intended to serve as the Shire Business Centre. It has also been demonstrated that the proposed change of use will provide the vitality necessary for the external entertainment and dining area to be viable.

Furthermore, the proposed development complies, and is consistent with the relevant and applicable provisions of the statutory town planning framework, including the:-

- Integrated Planning Act 1997;
- Integrated Planning Regulation 1998;
- South East Queensland Regional Plan;
- Environmental Management Act 1994; and
- Noosa Planning Scheme.

Accordingly, we recommend that this development application be considered favourably by Council and be approved subject to reasonable and relevant conditions.

FIGURES

Figure 1 – Subject Site

Figure 2 – External Dining Precinct

Figure 3 – Tenancy Location Plan

Figure 4 – Tenancy Area Plan

Published on DES Disclosure Log
RTI Act 2009



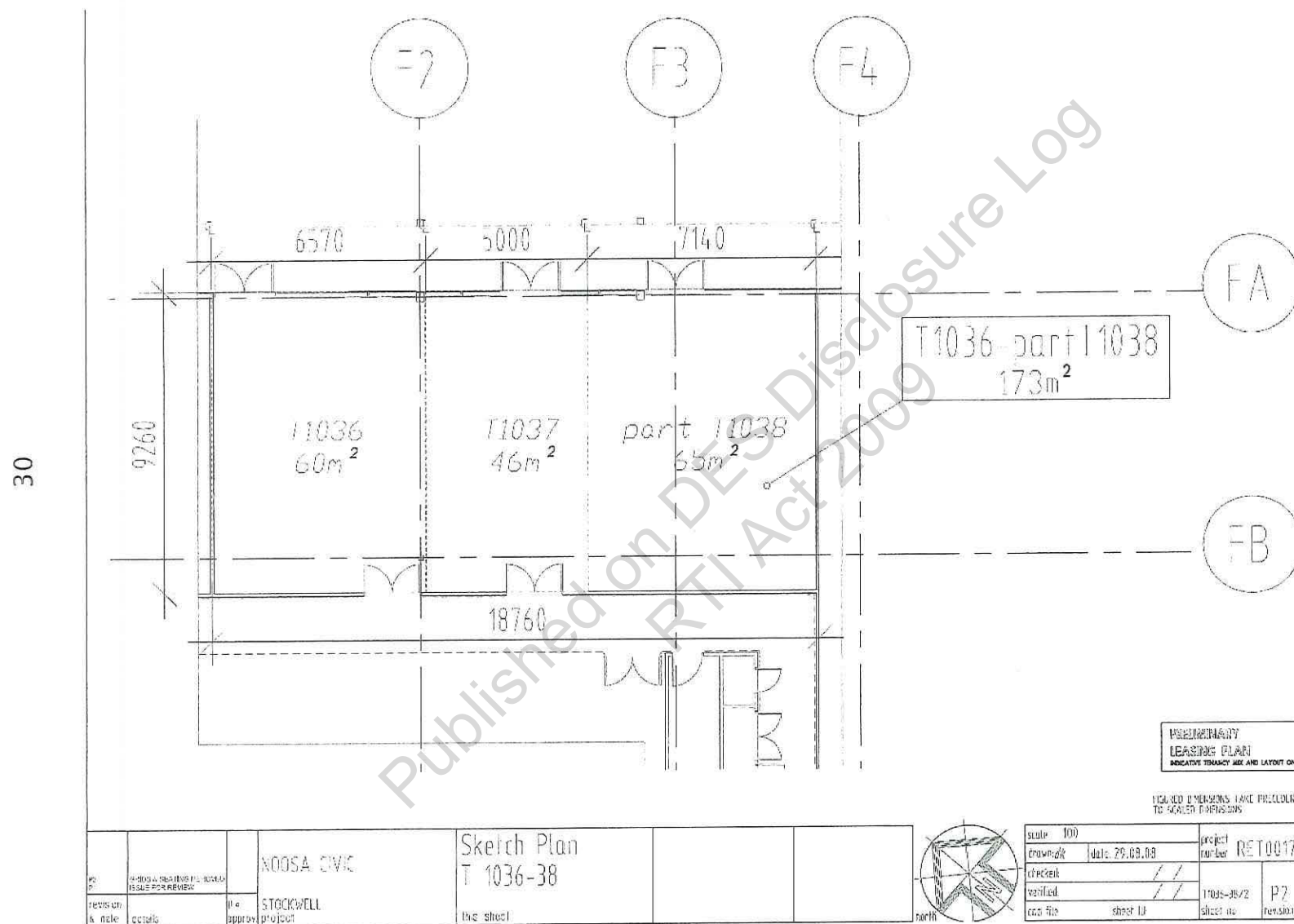
Figure 1 Subject Site



Figure 2 External Entertainment & Dining Precinct



Page 43 of 257



APPENDICES

Appendix 1- Town Planning Compliance Summary

Appendix 2 - Current Title Search and Easement Documentation

Appendix 3 – Easement Documentation

Appendix 4 – Covenant Documentation

Appendix 5 – Notice of Land Listed on Environmental Land Register

Appendix 6 - Cultural Heritage Search

Published on DES Disclosure Log
RTI Act 2009

Appendix 1

Town Planning Compliance Summary

Published on DES Disclosure Log
RTI Act 2009

DESIRED ENVIRONMENTAL OUTCOMES

REFERENCE	PROVISION	COMPLIANCE
SPECIFIC OUTCOMES SOUGHT FOR THE DESIRED ENVIRONMENTAL OUTCOMES		
Agricultural Uses		
3.1.3 (a)	<p>Agricultural industry is maintained by-</p> <ul style="list-style-type: none"> i. conserving land for economically viable and environmentally sustainable agricultural purposes; ii. preventing the fragmentation of good quality agricultural land; iii. facilitating the growth of non-traditional, though high value, crops which have minimal impact on the natural environment or adjacent crops; iv. facilitating the growth of non-traditional animal husbandry practices such as aquaculture where it does not alienate good quality agricultural land or have a detrimental impact upon the environment; v. protecting agricultural pursuits from incompatible uses; vi. facilitating the growth of farm forestry practices; vii. value adding to farm produce to enhance economic viability; and viii. adopting water and energy efficient practices. 	<p>Not applicable.</p> <p>The proposed change of use does not include agricultural uses and is not situated on good quality agricultural land.</p>
Commercial and Retail Uses		
3.1.3 (b)	<p>A hierarchy of centres with a range of Commercial and Retail business uses provide suitable levels of amenity, service and access to the community, consistent with the community's location and needs and is based on-</p> <ul style="list-style-type: none"> i. a proportion of the Shire's higher order needs fulfilled by centres in other areas, particularly the key regional centre of Maroochydore; ii. the Shire Business Centre, a Major Activity Centre for the purposes of the SEQ Regional Plan and the highest order centre within the Noosa Shire, developed in stages consistent with the needs of the population of the Shire and northern areas of Maroochy Shire; iii. protecting the long term viability of the Shire Business Centre as the principle business, retail and administrative centre; 	<p>Complies.</p> <p>The proposed change of use is consistent with and implements the hierarchy of centres defined not only by the planning scheme, but also by the SEQ Regional Plan.</p> <p>The long term viability of the Shire Business Centre is protected as the proposed change of use can provide the vitality necessary for it to achieve its intended function as the principle business, retail and administrative centre for the Shire and a Major Activity Centre within the region.</p> <p>The proposed change of use will not have an unreasonably adverse impact on any of the proximate centres, including the Maroochydore CBD or any of the lower order business, retail or tourist centres within Noosa Shire.</p>

REFERENCE	PROVISION	COMPLIANCE
	<ul style="list-style-type: none"> iv. recognising that it may be necessary to increase floor space in existing centres to meet changing needs, provided any increased floor space does not impact on the successful operation and development of the Shire Business Centre; v. business centres at Cooroy, Noosa Junction, Noosaville and Tewantin; vi. neighbourhood or visitor centres at Peregrine Beach, Sunrise Beach, Sunshine Beach, Noosa Heads, Noosaville, Tewantin, Cooroibah and Teewah; vii. the town of Pomona and the village centres of Kin Kin, Boreen Point and Cooran; viii. Uses that comprise a large component of Commercial and Retail business uses or other non-industrial uses are not located on land that is otherwise intended for Industrial business uses; ix. Home-based business uses that contribute to the economy of the Shire, but do not reduce surrounding residential amenity or environmental values; and x. energy efficiency and water conservation principles. 	
Community Uses and Facilities		
3.1.3 (c)	<p>An adequate range of community services and facilities supporting the physical, safety, artistic and social needs of the community are equitably distributed having regard to the-</p> <ul style="list-style-type: none"> i. location and density of housing; ii. location of transport infrastructure; iii. location of business centres; iv. social, economic and demographic patterns of Noosa Shire; and v. function of towns and villages. 	<p>Not applicable.</p> <p>The proposed change of use does not include community services or facilities.</p>
Heritage		
3.1.3 (d)	<p>The indigenous and non-indigenous history, culture and traditions are reflected in the built and natural heritage of Noosa Shire and are preserved for future generations.</p>	<p>Not applicable.</p> <p>The proposed change of use is not situated on land designated as a heritage site.</p>
Industrial Business Uses		
3.1.3 (e)	<p>Industrial uses and extractive and mining uses-</p> <ul style="list-style-type: none"> i. provides suitable levels of service and employment to the community; 	<p>Not applicable.</p> <p>The proposed change of use does not include industrial business uses or extractive and mining uses.</p>

REFERENCE	PROVISION	COMPLIANCE
	<ul style="list-style-type: none"> ii. promotes the sale of local products; iii. is predominantly low key, clean and service-orientated; iv. is underpinned by environmentally sustainable development practices that avoid adverse impacts on immediate or surrounding settlements or ecosystems; v. develops and operates in a sustainable manner, including prudent use of non-renewable resources; vi. results in a proportion of the Shire's higher order needs being fulfilled by facilities located in other areas, particularly the key regional centre of Maroochydore; vii. protects industrial areas, valuable extractive and mineral resources and associated heavy vehicle haul routes, particularly from the encroachment of incompatible development, for the ongoing benefit of the community; and viii. utilises water and energy efficient practices. 	
Natural Resources		
3.1.3 (f)	<p>Renewable natural resources are used sustainably and non-renewable natural resources are used prudently. The use of natural resources does not have a significant adverse impact upon other land uses. Natural resources include-</p> <ul style="list-style-type: none"> i. water; ii. fisheries and forest resources; iii. coastal resources; iv. soil resources; and v. extractive and mining resources 	<p>Complies.</p> <p>The proposed change of use will not adversely impact upon natural resources.</p>
Open Space, Environment and Conservation Functions		
3.1.3 (g)	<p>Networks of open space and natural habitat, vegetated lands, and riparian zones along waterways-</p> <ul style="list-style-type: none"> i. are sensitively managed and protected from any adverse impacts, including cumulative impacts, resulting from development; ii. set Noosa Shire apart from other coastal parts of south-east Queensland by strongly protecting the natural environment; iii. support the economy through the tourism industry; iv. define the boundaries to or of each of the distinct urban localities of the Shire; v. protect water quality, landscape stability and biodiversity; vi. provide passive, nature-based recreational and educational 	<p>Not Applicable.</p> <p>The proposed change of use will not adversely impact upon natural resources and retains the Open Space Precincts on site.</p>

REFERENCE	PROVISION	COMPLIANCE
	<ul style="list-style-type: none"> vii. opportunities; viii. enhance visual amenity; and provide linkages beyond the Shire's boundaries 	
Sport and Recreation Uses		
3.1.3 (h)	<p>The creation of sport and recreation opportunities, strongly relating to the outdoors, are established to facilitate social interaction, healthy lifestyles and appreciation and protection of the Shire's natural, cultural and community assets including-</p> <ul style="list-style-type: none"> i. the subtropical climate; ii. the beaches, watercourses and foreshores; iii. the national parks and bushland; iv. the iconic mountains and landforms; v. cultural traditions; and vi. sporting fields and facilities 	<p>Not applicable. The proposed change of use does not include sport or recreation uses.</p>
Residential Uses		
3.1.3 (i)	<p>Urban and rural settlement for residential use is developed to be consistent with-</p> <ul style="list-style-type: none"> i. the planned capacity for roads, community services and infrastructure for the particular locality; ii. the expectations of the Shire's population to have access to a broad range of safe, secure and affordable housing; iii. the expected character and amenity for the particular locality; iv. the landform, natural environmental and climatic conditions of the locality; v. energy efficiency and water conserving design principles; vi. convenience and accessibility to urban services; and vii. suitable separation from incompatible land uses. 	<p>Not applicable. The proposed change of use does not include residential uses.</p>
Tourism		
3.1.3 (j)	<p>A tourism industry is development and sustained which-</p> <ul style="list-style-type: none"> i. is based on the Shire's natural assets including the subtropical climate, the beaches, watercourses and foreshores, and the National Parks and bushland; ii. fosters an appreciation and understanding of heritage; iii. focuses on the coastal localities of Noosa Heads, Noosaville, Sunshine Beach and Peregian Beach, but provides 	<p>Not applicable. The proposed change of use does not include tourism uses.</p>

REFERENCE	PROVISION	COMPLIANCE
	complementary rural visitor accommodation; iv. offers visitors a range of experiences and accommodation types; v. contributes to the economic wellbeing of the Shire; and vi. achieves ecological, economic and social sustainability.	
Transport and Mobility Functions		
3.1.3 (k)	Community access for all is provided to a range of safe and efficient transport choices appropriate to community needs considering the location of residential uses, community and shopping facilities, leisure opportunities and employment. These transport choices include- i. affordable community transport, including on the roads and the Noosa River; ii. private vehicle; iii. cycling; and iv. walking.	Complies. The site is highly accessible and well serviced by existing transport infrastructure, including an efficient road network, public transport facilities, car parking spaces and pedestrian and cyclist circulation facilities.
Infrastructure and Services		
3.1.3 (l)	i. The efficient provision and use of services such as water, sewerage, power, telecommunications and waste disposal caters for the needs of residents and visitors, relative to their location within the Shire. ii. The ongoing viability of existing infrastructure services and facilities are protected from the impacts of future development.	Complies. The premises has convenient access to all necessary infrastructure to accommodate the proposed change of use, including waste disposal, water supply, sewer, stormwater drainage, electricity supply and telecommunications and will not impact upon the ongoing viability of these services for the broader community.

OVERALL OUTCOMES FOR THE NOOSAVILLE LOCALITY

PROVISION		RESPONSE
OVERALL OUTCOMES SOUGHT FOR THE NOOSAVILLE LOCALITY		
General		
11.8.2	The overall outcomes sought for the Noosaville Locality are the following-	Complies. The application proposes a change in use which is compatible with existing uses on the site and is suitably located in the external entertainment and dining precinct. The change of use will not have significantly adverse impacts on the natural environment, including vegetation, habitat or acoustic amenity values.
(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, including acoustic and visual qualities; and iv avoid significant adverse effects on the natural environment, including native habitat removal, fragmentation and attrition;	
(b)	Noosaville retains its role as a focus for visitor accommodation and services in the Shire;	Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre situated within an area designated for the Noosa Shire Business Centre. It is specifically designed to provide residents and visitors to Noosa with a range of facilities.
(c)	The resident population is accommodated in both Detached house and Multiple housing forms with high levels of residential amenity;	Not applicable.
(d)	Land with frontage to and on the southern side of Gympie Terrace is the principal visitor focal point of the locality, with strong relationships to the recreation opportunities afforded by the Noosa River and its foreshore;	Not applicable. The proposed change of use is not situated on land with frontage to the Noosa River and Gympie Terrace.

PROVISION		RESPONSE
(e)	Substantial sites are protected for resort developments where they focus on the Shires natural low key outdoor appeal and cultural values;	Not applicable.
(f)	The mixed urban character of Noosaville is maintained through the retention of older building forms and the introduction of new buildings which complement old building forms;	Complies. The proposed change of use is situated within the existing Noosa Civic Shopping Centre.
(g)	Low rise, low scale <i>buildings</i> , with a mix of building heights and setbacks and roof forms that blend with the skyline are key built form characteristics of this locality;	Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre which is contained on one level.
(h)	Significant retail and commercial uses provide residents and visitors with a range of low to high order goods and services;	Complies. The proposed change of use is specifically designed to provide residents and visitors to Noosa with a range of goods and services appropriate for the role and function of the Noosa Shire Business Centre.
(i)	Business centres are significant employment nodes and are serviced by public transport;	Complies. The site is well serviced by two bus services at a dedicated bus stop with capacity to service two standard buses.
(j)	A <i>public open space</i> corridor extends along the foreshores of the Noosa River from Munna Point to Hilton Esplanade;	Not applicable. The subject site is not situated along the open space corridor of the Noosa River.

PROVISION		RESPONSE
(k)	Areas of native remnant or regrowth vegetation, including their biodiversity and habitat values are protected and retained in their natural state;	Not applicable. The subject site is devoid of any remnant endangered, remnant of concern or remnant not of concern vegetation or essential habitat. Regrowth vegetation which has established on the site since historical disturbance and clearing has limited biodiversity value but has been retained to the greatest extent practicable.
(l)	The environmental and aesthetic values of Noosa National Park, Keyser Island and Weyba Creek Conservation Parks; Noosa River and its foreshore; Lakes Doonella and Weyba; Eenie and Weyba Creeks and their associated riparian communities are of the highest significance and have the highest order of protection;	Complies. The proposed change of use does not impact upon the environmental and aesthetic values of these areas. Open space precincts have been retained on site and no part of the proposed change of use is situated in the Open Space Conversation Zone on site to provide a buffer between the proposed development and the environmental sensitive areas of Eenie Creek.
(m)	Gibson Road, part of Mary Street, Noosa Parade, Reef Street, Walter Hay Drive, Eenie Creek Road, Beckmans Road and Eumundi Road are protected as parts of the Shire's <i>major road network</i> ;	Complies. The proposed change of use will not generate any additional traffic volumes which will unreasonably threaten the efficiency or operational capacity of the Shire's major road network.
(n)	The function, safety and visual amenity of the Shire's <i>major road network</i> are protected;	Complies. The proposed change of use will not generate any additional traffic volumes which will unreasonably threaten the efficiency or operational capacity of the Shire's major road network.
(o)	The Noosa Airport off Weyba Drive, Noosaville is retained and operated as the only commercial airport within Noosa Shire;	Not applicable. The proposed change of use does not impact upon the Noosa Airport.
For the Shire Business Centre Zone		
11.8.2 (v)	The Shire Business Centre-	
i	is a Major Activity Centre for the purposes of the SEQ Regional Plan, and the principal business centre for the Shire, servicing Shire-wide business and employment needs by providing for a range of Business Uses as well as administrative, community, and open space functions;	Complies. The proposed change of use is consistent with the outcomes sought for both a Major Activity Centre and as the Shire Business Centre, being the principal business centre for the Shire. Complies. The proposed change of use improves the viability of the external entertainment and dining precinct.
ii	is a multi-function employment node forming the major focus of employment growth in the coastal area of the Shire;	Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre. Complies. The proposed change of use is within the existing Noosa

	PROVISION	RESPONSE
iii	<p>follows a logical sequencing of development consistent with the needs of the community that is dependent on the-</p> <p>A) timing and construction of the external and internal road systems, including Walter Hay Drive;</p> <p>B) dedication of a substantial area of open space; and</p> <p>C) development of a substantive amount of non-retailing development for employment opportunities beyond Retail business;</p>	<p>Civic Shopping Centre.</p> <p>Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre.</p> <p>Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre.</p> <p>Complies. The existing Noosa Civic Shopping Centre provides bus stop facilities and are serviced primarily by local bus services.</p> <p>Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre.</p>
iv	is developed at a low scale and density with distinctive and unique design elements, determined by the setting and recognisable as a development in Noosa Shire;	Complies. No additional traffic volumes that will be generated by the proposed change of use.
v	comprises <i>buildings</i> of low rise form separated by attractive and low key informal spaces that are integrated with landscaping and open space areas;	Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre.
vi	has an outdoor focus, particularly for Retail business uses, office uses and Community Uses;	Conflicts. The proposed change of use is within the existing Noosa Civic Shopping Centre and within precinct B1/ B2.
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	<p>is developed into <i>precincts</i>, as depicted on Schedule 4 - Shire Business Centre Map, which include a dynamic mix of development with an appropriate integration of <i>uses</i> within each, including</p> <p>A) Business Precincts (B1-B2), which provide for the highest order of retail development in the Shire and comprises the retail core of the Shire Business Centre site, with associated car parking generally</p>	

PROVISION	RESPONSE
<p>located with Precinct B2;</p> <p>B) Precinct B3, which provides for showroom and office development;</p> <p>C) Employment Precincts (E1-E7) for future employment growth, which include 3 <i>precincts</i> (E1, E2, E3) with preferred themes to allow these <i>precincts</i> to take advantage of new employment opportunities;</p> <p>D) a civic area located within Precinct E1, which provides for a range of civic uses and functions;</p> <p>E) an inter-regional transit facility in Precinct E6;</p> <p>F) a Residential Precinct (RES), which provides residential support accommodation to the other key <i>precincts</i>; and</p> <p>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;</p>	

Published on DES Disclosure Log
RTI Act 2009

PROVISION		RESPONSE
For the Open Space Conservation Zone		
11.8.2 (z)	<p>Natural environmental values of high order and warranting conservation status are-</p> <ul style="list-style-type: none"> i protected for their importance in contributing to <i>ecological sustainability</i> including maintenance of water quality and provision of habitat and open space linkages; and ii appropriately managed to the general exclusion of development or any further subdivision of freehold lots. 	<p>Complies.</p> <p>The proposed change of use retains Open Space Precincts on the site.</p>

Published on DES Disclosure Log
RTI Act 2009

NOOSAVILLE LOCALITY CODE

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
SPECIFIC OUTCOMES SOUGHT FOR THE NOOSAVILLE LOCALITY PLAN				
Effects of use				
Amenity				
O1	Uses are located, designed and operated to avoid significant adverse changes to the light, air quality, noise, accessibility or other conditions enjoyed by users of associated, adjoining or nearby uses.	S1.1	No solution provided.	Complies. The proposed change of use is within the existing Noosa Civic Shopping Centre situated within the Shire Business Centre and is therefore located, designed and operated to avoid significant adverse changes to the light, air quality, noise, accessibility or other conditions enjoyed by users of associated, adjoining or nearby uses
Major Road Network.				
O2	Through traffic in Noosaville uses Gibson Road or Eenie Creek Road, ensuring the visual amenity of Gympie Terrace is protected with a consequent enhancement of visitor and recreation opportunities and benefit to businesses along Gympie Terrace.	S2.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Visual Amenity				
O3	The visual amenity and character surrounding the <i>major road network</i> is protected and enhances the recognisable entrance to Noosaville through- a) retaining and enhancing the visual and physical separation of Noosaville from other localities; and b) ensuring development does not encroach upon existing native <i>vegetation</i> along the road <i>frontage</i> other than for access ways.	S3.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Neighbourhood Identities				

	SPECIFIC OUTCOMES		PROBABLE SOLUTIONS	COMPLIANCE
O4	The separate identities of the various residential neighbourhoods remain important and distinct elements of the residential character of Noosaville.	S4.1	No solution provided.	Not applicable.
Airport				
O5	<p>Development and use of premises within 750m of the airport do not cause an obstruction or other potential hazard to aircraft movement associated with the airport by the way of-</p> <ul style="list-style-type: none"> a) the physical intrusion of <i>buildings</i> or other structures into aircraft take-off and approach flight paths; b) attracting birds or bats to the area, which could cause or contribute to bird-strike hazard; c) providing very bright lighting or lighting similar to runway lighting, which can distract or confuse aircraft pilots; d) interfering with navigation or communication facilities; e) emissions that may affect pilot visibility or aircraft operations; and f) transient intrusions into the airport's operational airspace. <p>See Figure 11.1 - Airport traffic area</p>	S5.1	No solution provided.	<p>Not applicable.</p> <p>No part of the premises is situated within 750m of the airport.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS	COMPLIANCE
Built Form			
Density			
O6	<p>The density of development within the <i>site area</i>-</p> <p>a) is compatible with surrounding <i>development</i>; and</p> <p>b) does not exceed-</p> <p>i. for the Semi-Attached Housing Zone:</p> <p>A. for sites between 500m² and 599m² inclusive-4.8 persons</p> <p>B. for sites 600m² or more - 6.6 persons or 100 persons per hectare</p> <p>ii. for the Attached Housing and Business Centre Zones-a maximum <i>population density</i> of 100 persons per hectare with the exception of the following <i>sites</i> which have an allowable <i>population density</i> of 320 persons per hectare exclusively for the purpose of a <i>visitor hostel</i>-</p> <p>A. Lots 3 & 4 on RP122928 situated at 14-16 Mary Street;</p>	S6.1	<p>No solution provided.</p> <p>Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	<p>and</p> <p>B. Lot 21 on RP815864 situated at 11-13 William Street;</p> <p>iii. For the Visitor Mixed Use Zone- 160 persons per hectare; and</p> <p>c) has a low site impact to enhance the opportunity to maintain natural site characteristics, including native vegetation and natural landforms.</p>			
Height				
07	<p>Buildings and other structures-</p> <p>a) are low rise and have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land;</p> <p>b) do not exceed a building height of-</p> <p>i. for the Attached Housing Zone 2 storeys unless located on property with frontage to the following streets: - Russell St, William St and Howard St, or Weyba Rd, James St and Albert St north of their intersections with Elizabeth St, where they are not to exceed a maximum building height of 3 storeys;</p>	S7.1	<p>Buildings and other structures have a maximum building height of-</p> <p>a) if in the Attached Housing Zone - 8m, with the exception of those properties with frontage to the following streets: - Russell St, William St and Howard St, or Weyba Rd, James St and Albert St north of their intersections with Elizabeth St where they have a maximum building height of 12m;</p> <p>b) if in the Visitor Mixed Use Zone - 12m;</p> <p>c) if in the Business Centre or Industry Zones - 10m;</p> <p>d) if in the Shire Business Centre Zone -8m, except in Precinct E1 or E2 where 12m;</p> <p>e) if in the Industry Zone - 10m</p> <p>f) in all other zones-8m.</p>	<p>Not Applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS	COMPLIANCE
	<ul style="list-style-type: none"> ii. for the Visitor Mixed Use Zone- 3 storeys, although present only 1-2 storey facades to Gympie Terrace; iii. for the Shire Business Centre Zone- 2 storeys, except in Precinct E1 and E2 where 3 storeys and Precinct REC/MU where 1 storey; and iv. for all other zones- 2 storeys; c) do not visually dominate the street or surrounding spaces; d) preserve the amenity of surrounding land; ensure that development responds to the site topography; and e) are well articulated with strong horizontal and vertical design elements to provide an interesting streetscape and to complement landform changes and landscapes. 		
Setbacks			
O8	<p><i>Buildings and other structures are appropriately designed and sited to-</i></p> <ul style="list-style-type: none"> a) provide amenity for users of the premises as well as preserve the visual and acoustic amenity of adjoining and nearby land uses; b) provide adequate distance from adjoining land uses; c) allow space for required vehicle parking; 	S8.1	<p>Buildings and structures comply with the setbacks identified in Schedule 1 - Minimum Boundary Setbacks.</p> <p>Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	d) preserve any existing <i>vegetation</i> that will <i>buffer</i> the proposed building; e) allow for landscaping to be provided between buildings; f) avoid large areas of continuous wall planes by varying the building <i>setbacks</i> and using appropriate techniques to provide visual relief; and g) protect the natural character and visual amenity of the Noosa River system and other <i>watercourses</i> .			
Site Cover, Gross Floor Area and Plot Ratio				
O9	The site cover, gross floor area and plot ratio of buildings and other roofed <i>structures</i> - a) results in a building scale that is compatible with surrounding development; b) does not present an appearance of bulk to adjacent properties, roads or other areas in the vicinity of the <i>site</i> ; c) maximises the retention of existing vegetation and allows for additional <i>soft landscaping</i> between buildings; d) allows for adequate area at ground level for outdoor recreation, entertainment, clothes drying and other <i>site facilities</i> ; and e) facilitates onsite stormwater management and vehicular access.	S9.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O10	Site Cover does not exceed:	S10.1	No solution provided.	Performance Solution.

SPECIFIC OUTCOMES			PROBABLE SOLUTIONS	COMPLIANCE
	a) for the Detached Housing Zone - 50% for a single storey building and 40% for a double storey building; b) for the Semi-attached Housing Zone - 40%; c) for the Attached Housing Zone - 40%; d) for the Visitor Mixed Use Zone - 35%; or e) for the Shire Business Centre Zone in Precincts E1, E2, E6 and E7 - 50%.			Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O11	For Multiple Housing Type 2 buildings do not exceed a plot ratio of- a) 0.6:1 if in the Attached Housing Zone with frontage to the following streets: Russell St, William St and Howard St, or Weyba Rd, James St and Albert St north of their intersections with Elizabeth St; or b) 0.45:1 otherwise.	S11.1	No solution provided.	Not applicable. The proposed change of use does not include Multiple Housing Type 2 buildings
O12	For Multiple housing Type 3 or 4 , Visitor accommodation Type 4 and the <i>accommodation unit</i> component of an Entertainment and dining business Type 3 -the maximum a gross floor area is equivalent to the maximum allowable population in persons multiplied by 40m ² .	S12.1	No solution provided.	Not applicable. The proposed change of use does not include Multiple housing Type 3 or 4 , Visitor accommodation Type 4 or Entertainment and dining business Type 3 buildings.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O13	For the Visitor Mixed Use Zone, the maximum <i>gross floor area</i> equals the allowable population in persons multiplied by 40m ² , provided that the <i>gross floor area</i> does not exceed 13,600m ²	S13.1	No solution provided.	Not applicable. The proposed change of use is not situated in the Visitor Mixed Use Zone.
O14	For the Detached house Zone and Semi-attached Housing Zone - <i>soft landscaping</i> is provided and retained over a minimum of 20% of the site area	S14.1	No solution provided.	Not applicable. The proposed change of use is not situated in the Detached House Zone and Semi-attached Housing Zone.
O15	For the Business Centre Zone, outside of the Mary Street/Thomas Street Precinct the maximum plot ratio is - a) 0.8:1 for site areas up to and including 2,000m ² ; plus b) 0.3:1 for the balance portion of the site area in excess of 2000m ² .	S15.1	No solution provided.	Not applicable. The proposed change of use is not situated in the Business Centre Zone.
O16	For the Business Centre Zone within the Mary Street/Thomas Street Precinct the maximum plot ratio is 0.5:1.	S16.1	No solution provided.	Not applicable. The proposed change of use is not situated in the Business Centre Zone.
O17	Within the Shire Business Centre Zone, the maximum plot ratio for development within the following precincts is - a) Precincts B1 and B2 combined- 0.5:1; b) Precinct B3- 0.8; c) Precinct E1- 0.6; d) Precinct E2- 0.6; e) Precinct E3- 0.6; f) Precinct E4- 0.6; g) Precinct E5- 0.6; h) Precinct E6- 0.6; i) Precinct E7- 0.6; j) Precinct RES- 0.6; and k) Precinct REC/MU- 0.1.	S17.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Flooding and Drainage				
O18	Buildings and other works are designed and sited to-	S18.1	Floor levels for <i>habitable rooms</i> are not less than the specified minimum floor levels AND	Not applicable. The proposed change of use does not include habitable rooms.
	a) provide flood free access to premises and flood free habitable areas;	S18.2	Where Council infrastructure is available-	Complies. The subject site has convenient access to all necessary infrastructure to accommodate the proposed development, including water supply, sewer, stormwater drainage, electricity supply
	b) allow only minor, short term and infrequent flooding of non-habitable areas;		a) any drainage (including buildings and yards) flows to that infrastructure; and b) the infrastructure has the capacity to accept any additional loading; AND	
	c) ensure drainage does not adversely impact upon other premises; and	S18.3	For Detached houses and Multiple housing-	Not applicable. The proposed change of use does not include Detached houses and Multiple housing.
	d) ensure filling or excavation does not adversely impact upon other premises by-		a) where slab on ground construction is used, filling does not extend more than 1m beyond the building footprint, measured from the outer walls of the building; or b) the design consists of a suspended floor construction.	
	i. causing ponding on the <i>site</i> or nearby land;			
	ii. increasing flooding, which adversely affects the safety or use of any land upstream and downstream; and			
	iii. adversely affecting the flow of water in any overland flow path.			

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Sloping Sites and Ridgelines				
O19	Development on <i>sloping sites</i> - a) is responsive to the natural topography of the <i>site</i> and minimises cut and fill; b) does not visually dominate the hill slope or interrupt the skyline; c) is integrated with the natural site characteristics including <i>vegetation</i> ; and d) for Multiple housing , takes the form of small separate buildings; AND	S19.1 S19.2 S19.3 S19.4 S19.5	<i>Buildings</i> and associated access ways are not constructed on land with a slope greater than 25% (1 in 4); AND <i>Buildings</i> are of split level design that step down the slope or have suspended floor construction; AND Cut or fill is less than 1.2m in depth; AND The distance between the ground and the lowest part of the floor of the building does not exceed 3m to avoid large under building areas; AND Buildings present no more than 2 or 3 storeys at any one point.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O20	On <i>steep slopes</i> or ridgelines which are visible from the <i>major road network</i> , areas of <i>public open space</i> , the Noosa River or the beaches- a) new <i>buildings</i> and <i>structures</i> including outbuildings, are designed so as not to dominate or detract from the scenic and environmental qualities of the <i>site</i> and its setting	S20.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Roof Form				
O21	Rooflines- a) contribute positively to the local skyline; b) complement the character of	S21.1	The main roof of the <i>building</i> has a <i>roof pitch</i> no less than 5 degrees and has roof overhangs a minimum of 600mm wide; AND	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	<p>the locality;</p> <p>c) are articulated, pitched or skillion;</p> <p>d) avoid low pitched (eg. less than 5 degrees) or box roof profiles/parapets; and</p> <p>e) do not create opportunities for residents to overlook the <i>private open space</i> areas of neighbouring properties.</p>	S21.2	Buildings and structures do not include roof top terraces.	investigated and approved.
Materials and Finishes				
O22	<p><i>Buildings</i> and other <i>structures</i> use materials and finishes that complement the Noosaville character and integrate with the surrounding natural and built environment by-</p> <p>a) using a mix of lightweight and textured external building materials, including timber finishes; and</p> <p>b) using masonry construction where variation is provided in texture, detailing and the like.</p>	S22.1	No solution provided.	<p>Not Applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>
Environment, Conservation and Recreation				
Environment and Cultural Heritage Values				
O23	<p>There are no significant adverse effects on biodiversity, native <i>vegetation</i>, native fauna habitat, landscaped quality, water quality or cultural heritage values, including those related to-</p> <p>a) changes to natural drainage;</p> <p>b) management of fire risk;</p> <p>c) erosion and the transport of sediments off site;</p> <p>d) unmanaged public access;</p> <p>e) effluent disposal;</p> <p>f) changes to fauna habitat and</p>	S23.1	<p>No solution provided.</p> <p>Advisory note</p> <p><i>PSP24</i> - Effluent Disposal details requirements for the design and siting of effluent disposal systems where located outside a sewerage <i>service area</i>. Compliance with <i>PSP24</i> will be considered as part of Council's assessment of the plumbing and drainage application</p>	<p>Not Applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	g) behaviour; and disturbance of buildings and features, including natural features of cultural heritage significance.			
Open Space Network				
O24	An integrated open space network is established throughout the locality and- a) allows for both passive and active recreational pursuits; b) provides safe and convenient connectivity for pedestrians and cyclists to neighbourhood centres, community services and other key destinations such as <i>public open space</i> , the Noosa River and Wallace Estate; c) provides habitat connectivity for wildlife; d) protects <i>watercourses</i> and <i>drainage lines</i> in the lowlands; and e) forms a scenic backdrop for the locality's residential neighbourhoods.	S24.1	Open space corridors and existing native vegetation in areas indicated in Schedule 5 - Map 4 are protected from fragmentation and encroachment by development.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O25	AND Physical and visual links between <i>public open space areas</i> and <i>watercourses</i> are retained.	S25.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Pedestrian and Bicycle Pathways				
O26	Safe and convenient pedestrian and bicycle pathways are provided and retained between and around key destinations including-	S26.1	Pedestrian and bicycle pathways are provided and retained where indicated in Schedule 5 - Map 2; AND	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	a) an east-west link between the Tewantin & Doonan Locality and the Noosa Heads Locality along the Noosa River foreshore; and b) a north-south link between the Shire Business Centre and Wallace Park to the Noosa River foreshore.	S26.2	Contributions toward a Pathways Network are provided in accordance with <i>PSP20</i> .	investigated and approved.
Foreshore Character				
O27	The natural landscape character and vegetation along the foreshore areas of the Noosa River, Lakes Doonella and Weyba and Eenie Creek, Noosa National Park, Keyser Island and Weyba Creek Conservation Parks is protected.	S27.1	No solution provided	Not applicable. No part of the proposed change of use is situated along the foreshore areas identified in O27 .
Pedestrian and Bicycle Pathways				
O28	The environmental, economic, amenity and transportation values of the Noosa River system is protected.	S28.1	No solution provided	Not applicable. The proposed change of use is not situated on the Noosa River system to impact upon its environmental, economic, amenity and transportation values.

SHIRE BUSINESS CENTRE ZONE CODE

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
SPECIFIC OUTCOMES SOUGHT FOR THE SHIRE BUSINESS CENTRE ZONE				
Consistent Uses				
091	The following defined uses and use classes are consistent uses and are located in the Shire Business Centre Zone- a) Commercial business Type 1; b) Commercial business Type 2 if located in Precinct E1-E7; c) Entertainment and dining business if located in Precinct B1 or B2; d) Industrial business Types 1 or 2 if located in Precinct E4 or E5; e) Retail business Types 1 or 2 if located in Precinct B1 or B2; f) Retail business Type 4 if located in Precinct B3; g) Retail business Type 5 if located in Precinct REC/MU; h) Retail business Type 6 if located in Precincts B3, E1, E4, E5, or E6; i) Retail business Type 7 if located in Precinct B3; j) Education Types 3 or 4 if located in Precinct E1-E7; k) Wellbeing Type 2 if located in Precinct E1-E7; l) Transport Type 1 if located in Precinct E6 or E7; m) Ancillary dwelling unit; and	S91.1	No solution provided.	Complies. The proposed change of use includes the (a) Business Uses (Entertainment and Dining Business Type 2)

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS	COMPLIANCE
	n) Visitor accommodation Type 4 or Multiple Housing Type 4 if located in Precinct RES or REC/MU.		
Inconsistent Uses			
O92	<p>The following defined uses and use classes are inconsistent uses and are not located in the Shire Business Centre Zone-</p> <ul style="list-style-type: none"> a) All Agricultural Uses; b) Commercial business Type 2 if not located in Precinct E1-E7; c) Entertainment and dining business if not located in Precinct B1 or B2; d) Home-based business; e) Industrial business Types 1 or 2 if not located in Precinct E4 or E5; f) Industrial business Type 3; g) Retail business Type 3; h) Retail business Types 1 or 2 if not located in Precinct B1 or B2; i) Retail business Type 4 if not located in Precinct B3; j) Retail business Type 5 if not located in Precinct REC/MU; k) Retail business Type 6 if not located in Precincts B3, E1, E4, E5, or E6; l) Retail business Type 7 if not located in Precinct B3; m) Education Types 1 or 2; n) Education Types 3 or 4 if 	S92.1	<p>No solution provided.</p> <p>Not Applicable.</p> <p>The proposed change of use for Entertainment and Dining Type 2 within Precinct B1/B2.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	not located in Precinct E1-E7; o) Emergency service; p) Open space; q) Wellbeing Types 1, 3 or 4; r) Wellbeing Type 2 if not located in Precinct E1- E7; s) All Service and utility; t) Transport Type 1 if not located in Precinct E6 or E7; u) Transport Types 2, 3, 4, 5 or 6; v) Detached house; w) All Multiple housing; x) Visitor accommodation Types 1, 2 or 3; and y) Visitor accommodation Type 4 or Multiple Housing Type 4 if not located in Precinct RES or REC/MU.			
Effects of Use				
Visual and Physical Connectivity				
O93	Strong visual and physical connectivity is provided for between adjoining and adjacent- a) Business Precincts and Open Space Precincts; b) Employment Precincts and Open Space Precincts; and c) Business Precincts and Employment Precincts;	S93.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O94	AND Physical connectivity is provided between the Shire Business Centre site and Industry zoned land within the Noosaville Industrial Estate.	S94.1	No solution provided.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Access and Car Parking				
Road Design				
O95	Intersections, both internal and external to the Shire Business Centre site, are designed to operate without the need for traffic lights;	S95.1	Access intersections off Walter Hay Drive, as shown on Schedule 4 - Shire Business Centre Map are constructed as roundabouts	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O96	AND An internal loop road is constructed within the Shire Business Centre site linking individual <i>precincts</i> within the site to provide for efficient and effective traffic circulation and movement, including public transport access;	S96.1	AND Development has no direct access to Eenie Creek Road or Walter Hay Drive	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O97	Development has an internal focus and addresses the internal loop road and is not reliant on exposure to the <i>major road network</i> .	S97.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Car Parking				
O98	Precinct B3 provides for car-oriented uses and as such parking areas that need a degree of visibility are located in front of buildings, where appropriate;	S98.1	No solution provided	Not applicable. The proposed development is not situated in Precinct B3.
O99	AND Within precincts other than Precinct B3, E3, E4 and E5 buildings and	S99.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	landscaping are the dominant visual features when viewed from internal roads, with car parking located at the side or rear of buildings, or preferably in underground or under-building car parks			constraints and attributes of the land have already been investigated and approved.
O100	AND Car parking areas are located immediately adjacent to key parking generators, including Retail business, Commercial business and Industrial business uses ;	S100.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O101	AND Vehicular parking facilities servicing Precincts B1, B2, and E1, have primary points of access located along the loop road, with parking located at basement level, under a building or otherwise covered.	S101.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Pedestrian and Bike Links				
O102	Pedestrian and bicycle paths are constructed throughout the Shire Business Centre site, with appropriate external connections provided.	S102.1	Pedestrian and bicycle paths are constructed as shown on Schedule 4 - Shire Business Centre Map.	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O103	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.	S103.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Visual Amenity and Character				
O104	Development- a) presents a high level of visual quality when viewed from Walter Hay Drive in the area	S104.1	From land to the south of the Shire Business Centre site at around RL10, the road reduces in level to a bridge deck of RL4 or 5, providing visible sight lines across the	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	<ul style="list-style-type: none"> b) of Eenie Creek; provides an open space feel to this entry to the Noosa Shire; and c) maintains the character of adjacent areas 		Shire Business Centre site.	already been investigated and approved.
Development Sequencing				
First Stage				
O105	<p>The first stage of development consists of-</p> <ul style="list-style-type: none"> a) a shopping centre with a discount department store, and associated car parking within Business Precincts B1 and B2; b) a substantial amount of non-Retail business development; c) the construction of Eenie Creek Road between Reef Street and Langura Street; d) the construction of Walter Hay Drive between Emu Mountain Road and Eenie Creek Road; e) interim transport circulation and access strategies in the absence of the internal loop road being complete; f) an established landscape theme for the developed precincts; g) landscaped entry statements; h) a suitable stormwater management system; i) appropriate signage; j) commencement of the associated pedestrian and bikeway network and related 	<p>S105.1</p> <p>For the first stage of development-</p> <ul style="list-style-type: none"> a) a gross floor area equivalent to 20% of any Retail business Type 2 Shop gross floor area, is constructed for non-Retail business prior to such Type 2 Shop development operating; and b) 40% of the gross floor area of non-Retail business development is contracted for sale or lease, prior to the Retail business Type 2 Shop development operating; <p>S105.2</p> <p>AND</p> <p>Two road accesses are constructed into the Shire Business Centre site as part of the first stage of the development.</p>	<p>Not applicable.</p> <p>The proposed change of use is within the existing Noosa Civic Shopping Centre which represented Stage 1 of the development.</p>	

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	k) external connections; and dedication of a substantial area of the southern part of the Shire Business Centre as <i>public open space</i> ;			
O106	<p>Subsequent development stages provide for the-</p> <ul style="list-style-type: none"> 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 <i>precincts</i>; 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 <i>public open space</i>. 	S106.1	No solution provided	<p>Not Applicable.</p> <p>The proposed change of use is within an existing premises.</p>
Built Form				
Streetscape Character				

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O107	Buildings and structures are sited and designed to- <ul style="list-style-type: none"> a) provide for a consistent building alignment fronting the street and public spaces; b) present a high quality streetscape incorporating consistent built elements that define the street and public spaces as well as create human scale and visual interest; c) be consistent with the bulk and scale of buildings on adjoining and nearby land; d) contribute to their setting including the skyline; e) present subtle changes in colours, textures and materials to break up the building facades; f) integrate signage with the building design; g) integrate landscaping into the building design and car parking areas; and h) retain and provide areas for outdoor dining and meeting opportunities on the ground level. 	S107.1	Ground level shops provide a minimum 50% glazing to the shop front to create active building fronts	<p>Not Applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>
Business Precincts				
Business Precincts B1 and B2				
O108	Precinct B1 and B2 are designed and located to form the retail core of the Shire Business Centre site;	S108.1	No solution provided	<p>Not Applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O109	AND Development within Precinct B1 comprises a <i>gross floor area</i> of- a) for Retail business -up to 18,300m ² ; and b) for Commercial business -up to 3,000m ² ;	S109.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O110	AND Precinct B2 comprises a car parking oriented precinct, with Commercial business Type 1 Office uses developed only where land is available after provision is made for car parking to serve the needs of development in Precinct B1;	S110.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O111	AND Primary points of access are located along the loop road;	S111.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O112	AND Commercial business uses within Precinct B2 comprise a gross floor area of up to 4000m ² ;	S112.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O113	AND Development has strong visual links with Precincts B2, B3 and OS5 and Employment Precincts;	S113.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O114	AND Development has strong pedestrian and bikeway connectivity with Precincts B2, B3, E1 and E2;	S114.1	No solution provided	Not Applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
				already been investigated and approved.
O115	AND Development is staged, with Precincts B1 and B2 forming part of the first stage of the development;	S115.1	No solution provided	Not Applicable. The proposal is for a change of use of premises.
O116	AND A substantial amount of car parking for Precinct B1 is provided as part of car parking facilities in Precinct B2;	S116.1	A minimum of 80% of the car parking for Precinct B1 is provided as part of car parking facilities in Precinct B2.	Not Applicable. The proposal is for a change of use of premises.
O117	AND A substantial part of the parking is at basement level, under a building or otherwise covered;	S117.1	No solution provided	Not Applicable. The proposal is for a change of use of premises.
O118	AND Appearance of a large single car park is avoided through landscaping and retention of existing established vegetation in key areas to frame the car parking into discrete areas while not blocking visual or physical access to car parks;	S118.1	No solution provided	Not Applicable. The proposal is for a change of use of premises.
O119	AND Parking areas provide for adequate provision for pedestrian, cyclists and bus transport and taxis.	S119.1	No solution provided	Not Applicable. The proposal is for a change of use of premises.
Business Precinct B3				
O120	Precinct B3 provides primarily for Retail business Type 4 Showroom and Commercial business Type 1 Office uses;	S120.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.
O121	AND Development within Precinct B3 comprises a <i>gross floor area</i> of- a) For Retail business Type 4 Showroom -up to 7,000m ² ;	S121.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	and b) For Commercial business- up to 11,000m ² ;			
O122	AND Where development is staged, Commercial business Type 1 Offices and other non-Retail business uses are developed as part of the first stage;	S122.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.
O123	AND Dense vegetated screening is provided between the development and Eenie Creek Road;	S123.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.
O124	AND Development has strong visual linkages to internal roads with no reliance on visual association with Eenie Creek Road;	S124.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.
O125	AND Vehicular parking is provided on site within the precinct.	S125.1	No solution provided	Not applicable. The proposed change of use is not situated in Precinct B3.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Employment Precincts				
Employment Precinct E1				
O126	Precinct E1 is designed and located to form a key employment node in new knowledge industries, with the northern section developed for civic purposes;	S126.1	Consistent civic uses provided for within the civic area of Precinct E1, include- a) Central library; b) Art gallery; c) Performing arts centre; d) Community radio and sound studio; e) Council one-stop shop; f) Tourist information centre; g) Heritage information centre; h) Inter-regional transit centre; i) Park and ride facilities; j) Community meeting and gathering spaces; k) Public art, sculptures and murals; and l) Outdoor street entertainment.	Not Applicable.
O127	AND The precinct is developed to provide for a major employment tenant in a new sector of business in the Shire, to which other business and sectors will cluster;	S127.1	No solution provided	Not Applicable.
O128	AND Development is designed and sited within a park like setting, with landscape treatment enhancing and forming an extension of the adjoining open space areas;	S128.1	No solution provided	Not Applicable.
O129	AND Development provides for strong visual links with Precincts B1, OS7 and E2;	S129.1	No solution provided	Not Applicable.
O130	AND Development has strong pedestrian	S130.1	No solution provided	Not Applicable.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	and bikeway connectivity with Precincts B1, B2 and E6;			
O131	AND Development has strong business relationships with development in Precincts B1 and B2;	S131.1	No solution provided	Not Applicable.
O132	AND Development is expected to be staged consistent with market need;	S132.1	No solution provided	Not Applicable.
O133	AND Buildings generally have a presentation to the loop road;	S133.1	No solution provided	Not Applicable.
O134	AND Parking is provided on site, generally at the side, rear or underneath of buildings.	S134.1	No solution provided	Not Applicable.
Employment Precinct E2				
O135	Development within Precinct E2 is designed and located to form a central employment node based on an educative and environmental research, with a strong environmental theme;	S135.1	No solution provided	Not Applicable.
O136	AND Uses promote strong business associations between this node and Precinct E1;	S136.1	No solution provided	Not Applicable.
O137	AND Buildings generally have a presentation to the loop road;	S137.1	No solution provided	Not Applicable.
O138	AND Car parking is provided for on site, generally at the side, rear or underneath of buildings;	S138.1	No solution provided	Not Applicable.
O139	AND Development has strong visual links with Precincts B1, OS7 and RES;	S139.1	No solution provided	Not Applicable.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O140	AND Development has strong pedestrian and bikeway connectivity with Precincts B1, E1 and RES;	S140.1	No solution provided	Not Applicable.
O141	AND Development has significant business relationships with development in Precincts B1 and B2;	S141.1	No solution provided	Not Applicable.
O142	AND Development is expected to be staged consistent with market needs.	S142.1	No solution provided	Not Applicable.
Employment Precinct E3				
O143	Development within Precinct E3 is designed and sited to form a key employment node based on environmental research and development, in accordance with the sensitivities of the surrounding area and promoting Noosa Shire's position in pursuing environmental excellence;	S143.1	No solution provided	Not Applicable.
O144	AND The nature, design and operation of any use within Precinct E3 is compatible with uses in other precincts, including the open space functions in the Open Space Precincts and Industrial business uses in the Noosaville Industrial Estate;	S144.1	No solution provided	Not Applicable.
O145	AND Development has a significant business relationship with development in Precinct E4;	S145.1	No solution provided	Not Applicable.
O146	AND Development has strong pedestrian and bikeway connectivity with Precinct E4 and industrial land in the Noosaville Industrial Estate;	S146.1	No solution provided	Not Applicable.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O147	AND Vehicular parking is provided on-site.	S147.1	No solution provided	Not Applicable.

Published on DES Disclosure Log
RTI Act 2009

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Employment Precinct E4 and E5				
O148	Development provides for the expansion of the Noosaville Industrial Estate;	S148.1	No solution provided	Not Applicable.
O149	AND Development in Precincts E4 and E5 recognises the role these precincts play in linking the Noosaville Industrial Estate to the Business Uses and open space functions within the Shire Business Centre site;	S149.1	No solution provided	Not Applicable.
O150	AND The nature, design and operation of any use in Precinct E4 and E5 is compatible and has strong relationships with development in other precincts, in particular, Business Uses in Precinct B3;	S150.1	No solution provided	Not Applicable.
O151	AND Development has strong pedestrian and bikeway connectivity with Precinct B1 and B3;	S151.1	No solution provided	Not Applicable.
O152	AND Vehicular parking is provided on-site;	S152.1	No solution provided	Not Applicable.
O153	AND Development complies with the Specific Outcomes for the Industrial Zone within this locality.	S153.1	No solution provided	Not Applicable.
Employment Precinct E6 and E7				
O154	Precincts E6 and E7 are designed and located to form an employment node with unspecified employment opportunities that may be developed in the later stages of the Shire Business Centre;	S154.1	No solution provided	Not Applicable.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O155	AND A mix of uses are developed with business associations formed between this node and Precinct E1;	S155.1	No solution provided	Not Applicable.
O156	AND The northern section of Precinct E6 contains a inter-regional transit facility;	S156.1	No solution provided	Not Applicable.
O157	AND Development has strong visual linkages with Precincts E1, OS1 and OS2;	S157.1	No solution provided	Not Applicable.
O158	AND Development has strong pedestrian and bikeway connectivity with Precincts B1 and E1;	S158.1	No solution provided	Not Applicable.
O159	AND Development in Precinct E7 is compatible with, and does not impact upon, the open space function of Precinct OS2; Business Uses in Precinct B3;	S159.1	No solution provided	Not Applicable
O160	AND Buildings generally have a presentation to the loop road;	S160.1	No solution provided	Not Applicable.
O161	AND Parking is provided on site, generally at the side, rear or underneath of buildings.	S161.1	No solution provided	Not Applicable.

BUSINESS USES CODE

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
SPECIFIC OUTCOMES SOUGHT FOR THE BUSINESS USE CODE				
For all Business Uses				
Effects of Use				
Electricity Infrastructure				
O1	The development does not adversely impact on existing or future electricity supply infrastructure;	S1.1	No solutions provided	Complies The subject site has convenient access to necessary electricity infrastructure and will not impact upon the ongoing viability of these services for the broader community.
O2	AND All uses and works maintain an adequate safe distance from electrical infrastructure including substations, overhead powerlines, power poles and transformers.	S2.1	Development for uses adjacent to or within 50m of an existing electricity substation incorporates noise attenuation measures to mitigate noise impacts; and	Not applicable The proposed change of use is not adjacent to or within 50m of an existing electricity substation.
		S2.2	<i>Buildings and structures</i> (including swimming pools, sheds, tennis courts and outbuildings) are not constructed under overhead electricity transmission lines, or within electricity easements	Not applicable No new buildings or structures are proposed.
Amenity				
Noise				
O3	Development is designed and sited to avoid noise emissions that unreasonably diminish the amenity of the area or surrounding uses.	S3.1	No solutions provided	Complies. The proposed change of use is within the external entertainment and dining precinct of the Noosa Civic Shopping Centre. The proposed change of use is consistent with other business uses within and adjacent to Noosa Civic Shopping Centre.
Mechanical Plant and Equipment and Storage Areas				

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
04	Mechanical plant and equipment (including air conditioning equipment) and storage areas are designed and located to- a) avoid adverse visual impacts when viewed from the street and adjoining properties; and b) visually integrate with the building design.	S4.1	Mechanical plant and equipment are- a) located more than 2m from any property boundary; b) where located at ground level, screened by fencing 1.5m in height or dense <i>vegetation</i> of at least 1.5m in width incorporating grouped trees and shrubs with maximum separation distance of 1m measured from the centre of the tree or scrub; and c) are visually integrated into the line and plane of the <i>building</i> and roof design and do not project beyond the height or width of the <i>building</i> when viewed from the street and adjoining properties	Not Applicable.
		S4.2	AND For Industrial business and Retail business Type 3, materials stored outside of a <i>building</i> do not exceed 4m in height or half the height of the on-site <i>buildings</i> whichever is the greater.	Not applicable. The proposed change of use does not include any Industrial business and Retail business Type 3 uses.
Safety and Security				
05	All property boundaries are clearly identifiable with public and private spaces clearly defined.	S5.1	Boundaries are identified by such means as - a) fencing; or b) changes in surface materials or levels; or c) landscape treatments.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
06	All premises and access routes are clearly identifiable to all persons, particularly emergency services personnel.	S6.1	All premises are identified by the provision of the street number in a prominent location, preferably near the site entry, (i.e. on the kerb or letterbox or by signage on the building or site).	Complies. The Noosa Civic Shopping Centre is clearly identified and well signed.
07	All building entries are designed to be obvious and easily identifiable.	S7.1	The number of entrances and exits are limited and main building entrances/exits are located at the front of the site, in view of the street. Where this is not possible,	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
			due to site or existing building constraints, a well defined path is provided to the entrance/exit;	attributes of the land have already been investigated and approved.
		S7.2	AND All entrances/exits to buildings, are lit and signed, and signage includes hours of operation;	
		S7.3	Entrances/exits are located to provide a direct link to driveways and carparking areas;	
		S7.4	Recessed doorways are avoided where the recess is of sufficient size to conceal a person. Where recessed doorways are unavoidable, measures are used to enhance safety, as follows- a) good lighting installed; b) strategically placed mirrors installed; c) angled approaches provided; or d) gates which restrict access provided.	
08	Uses are arranged within buildings and on sites to enable external areas to be monitored.	S8.1	Windows and main entrances are positioned to allow for casual surveillance.	Complies. The main entrances to Noosa Civic Shopping Centre have been designed to maximise opportunities for casual surveillance.
09	Communal open space, including congregation and seating areas, is located where it can be monitored.	S9.1	Communal open spaces, including congregation and seating areas are situated where they are in the line of sight of windows, doors and/or balconies/verandahs of buildings, or can be seen from a street or other public space.	Complies. Noosa Civic Shopping Centre has been designed to maximise opportunities for casual surveillance to seating areas.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O10	Buildings and structures are designed to minimise opportunities for vandalism.	S10.1	Buildings or structures that are visible from a public street or laneway- a) avoid the use of solid fences and blank walls which attract graffiti. Where solid blank surfaces are unavoidable measures in the form of landscaping, creepers, murals, vandal resistant paint, etc are used; and b) use toughened glass, security screens and other measures (but not including security shutters that obscure the view of shopfronts) are used in windows which are provided at ground level, to deter break and enters; and c) use hardy vandal proof materials and anti-graffiti paint are used in the construction of buildings.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O11	Lighting of appropriate intensities is provided to maximise safety.	S11.1	Lighting of appropriate intensities is provided which satisfies the requirements of Australian Standard AS1158: Public Lighting Code, unless otherwise specified in this Code;	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
		S11.2	External lighting of a graduated intensity is provided which starts at a lower level of brightness at the perimeter of the site and rises to a higher level at the entrance to buildings or at the centre of the site;	
		S11.3	Lighting is directed onto the site and away from neighbouring properties;	
		S11.4	Vandal-resistant lighting is used in public and publicly accessible areas.	

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Shower and Storage Facilities				
O12	For Commercial business or Retail business premises with a <i>gross floor area</i> exceeding 500m ² , shower and storage facilities are provided to meet the needs of owners and staff.	S12.1	At least 1 unisex shower and 1m ³ of locker or cupboard space is provided for every 500m ² of <i>gross floor area</i> .	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Site Facilities				
O13	Waste storage areas, external storage areas and loading docks do not detract from the visual amenity of the streetscape or cause nuisance to adjoining properties.	S13.1	Waste storage areas, external storage areas and loading docks are situated to the rear of the building or under the ground;	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
		S13.2	With the exception of the access way, waste storage areas, external storage areas and loading docks are visually screened by landscaping or fencing.	
Environment and Heritage Values				
O14	There are no significant adverse effects on the biodiversity, natural <i>vegetation</i> , native wildlife, habitats, landscape quality, water quality or heritage values, including those related to- a) changes to natural drainage; b) disturbance to any of the <i>wetland</i> systems; c) management of landslide and fire risk; d) erosion and the transport of sediments off-site; e) unmanaged public access; f) effluent disposal ; g) changes to fauna habitat and behaviour; and	S14.1	No solution provided. Advisory note <i>PSP24</i> - Effluent Disposal details requirements for the design and siting of effluent disposal systems where located outside a sewerage <i>service area</i> . Compliance with <i>PSP24</i> will be considered as part of Council's assessment of the plumbing and drainage application.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	h) disturbance of buildings and features, including natural features, of heritage significance.			
Entertainment and Dining Business or Retail Business Types 1 or 2				
Effects of Use				
Noise and Visual Amenity				
O15	Uses maintain a satisfactory level of acoustic and visual amenity for surrounding uses	S15.1	For uses involving outdoor courts including tennis courts, half courts and netball courts-the use complies with the requirements in Section 2 of PSP8 Tennis and other Courts.	Not applicable. The proposed change of use does not include outdoor courts, tennis courts, half courts and netball courts.
Outdoor Dining Areas				
O16	Outdoor dining areas are designed and located so that- a) structures are aesthetically pleasing and in keeping with the existing character of the area, including the architecture of the associated building; b) outdoor dining adds to the landscaped streetscape without increasing perceived building bulk; c) temporary walls or roofs are stored when not in use and secured at all times; d) adequate air movement is available; and e) structures do not impede the movement of pedestrians or vehicles;	S16.1	Walls to <i>outdoor dining areas</i> are- a) if facing a roadway or other public area, transparent; b) not made of flexible, roll-up or drop plastic sheeting; c) separated from the floor and any roof by a minimum vertical gap of 500mm; and d) if detachable or collapsible, are only used during inclement weather;	Not applicable. The proposed change of use does not propose outdoor dining facilities.
		S16.2	AND Roof, walls or other structures do not extend beyond the boundaries of the premises;	
		S16.3	AND The <i>outdoor dining area</i> complies with Planning Scheme Policy PSP14 Outdoor Dining;	

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O17	AND Adequate clearways and head clearance are provided to allow safe movement of users of the premises.	S17.1	AND Roof structures over <i>outdoor dining areas</i> have a minimum clearance height of 2.1m.	Not applicable. No outdoor dining areas are proposed.

Published on DES Disclosure Log
RTI Act 2009

DRIVEWAYS AND CARPARKING CODE

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
SPECIFIC OUTCOMES SOUGHT FOR THE DRIVEWAYS AND CARPARKING CODE				
Driveways				
General				
O1	Vehicular access does not adversely impact on safety, capacity and operations of the existing or planned road network, the proposed driveway, cycleways or pedestrian pathway systems.	S1.1	Vehicular access is located and designed in accordance with <i>AUSTROADS-Guide to Traffic Engineering Practice</i> requirements for sight distance and Section 3 of <i>AS2890.1 Parking Facilities</i> ;	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
		S1.2	AND Only one footpath crossing is provided;	
		S1.3	AND Driveways, other than within any <i>setback</i> have a maximum grade in accordance with Section 3 of AS/NZS 2890.1	
O2	Driveways and crossovers- a) are suitable and safe for their intended use; and b) match Council infrastructure.	S2.1	Design of the driveway across the footpath is in accordance with Council's Standard Drawings 9002 or 9005 as appropriate for the particular type of development as annotated on the drawings;	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
		S2.2	AND Driveways are designed and constructed in accordance with Council Standard Drawings 9014, 9019, 9020, 9021, as appropriate for the particular type of development as annotated on the drawings;	
		S2.3	AND The change in grades in the driveways and ramps is in accordance with Section 3 of <i>AS2890.1 Parking Facilities</i> .	

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O3	In <i>commercial zoned</i> areas, the number of driveways across pedestrian footpaths is minimised	S3.1	Design of multi-tenanted developments in <i>commercial zoned areas</i> include shared driveways and parking areas;	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
		S3.2	AND Driveways are located so they abut existing driveways of adjoining development where practicable and reciprocal easements are created to reduce the sealed driveway width.	
O4	Vehicular access does not adversely impact on the capacity, operations and maintenance of the existing infrastructure;	S4.1	Footpath and kerb crossings are located clear of existing stormwater inlet structures, water and sewerage infrastructure fittings, any other exiting utility infrastructure, existing landscaping and vegetation.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O5	AND Vehicular access does not adversely impact on the integrity of existing landscaping or native <i>vegetation</i> .	S5.1	No solution provided.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O6	Driveway run-off is filtered prior to leaving the premises.	S6.1	For- a) Ancillary dwelling unit, Multiple housing Types 1 or 2 if less than 5 carparking spaces, Visitor accommodation Type 1 and Home based business -the driveway is formed to drain to <i>landscaped areas</i> ; and b) for other uses-grease and oil arrestors or stormwater quality improvement devices are incorporated into the design to treat run-off prior to run-off exiting from the premises.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
Service Stations				
07	The layout of the <i>site facilities</i> and vehicular accesses result in unrestricted vehicle access and egress to the site.	S7.1	Where the site is situated at the intersection of two roads, separate entrances and exits are provided to one or more of the adjoining roads.	Not applicable.
08	The use of land for a service station- a) does not impair traffic flow or road safety; b) through the design and arrangement of vehicular crossovers, facilitates safe and convenient movement to and from the site; and c) provides adequate, safe and functional on-site parking and manoeuvring areas.	S8.1	Any vehicular crossing over a footpath is- a) not less than 8m in width; and b) located so the crossing is not less than 14m from any other vehicular crossing on the same <i>site</i> ; and c) not less than 12m from any road intersection	Not applicable.
Carparking and Manoeuvring Carpark Design and Layout				
09	Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the specifics of the use including- a) the type and intensity of land use; b) any existing parking available on the <i>site</i> ; c) hours of operation; d) likely numbers of users; e) the peak parking demand periods of uses on the site; and f) the availability of alternative carparking	S9.1 S9.2	The number of parking and loading bays is not less than the minimum number specified in Table 14-47 Vehicle Parking Requirements; OR If insufficient carparking spaces are provided on-site a monetary contribution is made to Council in accordance with Section 6 of <i>PSP13 Contributions in lieu of provision of off-street carparking.</i>	Complies. Carparking for the Noosa Civic Centre is provided at a rate of 5.4 spaces per 100m ² . The carpark provides a total of 1413 carparks. When the proposed development is assessed in the context of generating demand of additional car parking spaces it is estimated that the proposal generates demand for an additional 9 carparks. When the proposed development is assessed in the context of the applicable minimum carparking rates as required by the planning scheme, the proposal also generates demand for 9 carparks calculated as follows: - <i>Entertainment and Dinning Type 2 (Amusement)</i> - 1 space per 20m ² or 1 space per 3 persons

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
				<p>capable of being entertained at any one time, whichever is the greater".</p> <p>On the basis that the generated traffic demand for the TAB under the Noosa Planning Scheme is the same as the approved generated traffic demand we believe that the existing carpark has sufficient capacity to cater for the proposed change of use.</p>
O10	<p>The layout of the development provides adequate, clearly defined and easily accessible-</p> <p>a) on-site vehicle parking and manoeuvring areas; and</p> <p>b) loading and manoeuvring areas for delivery and service vehicles</p>	<p>S10.1</p> <p>S10.2</p>	<p>Parking bays, manoeuvring areas, queuing areas, loading, setdown and pickup areas and driveways are designed to the standards set out in Sections 2 and 3 of Australian Standard AS 2890.1 <i>Parking Facilities (Part 1: Off-street Carparking)</i> and AS 2890.2 - <i>Off-street Parking (Part 2: Commercial Vehicles)</i>;</p> <p>AND</p> <p>The number of loading bays is not less than the minimum number specified in Table 14-47</p>	<p>Not applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>
O11	Parking areas are located where they will not unduly conflict with pedestrians and will not dominate the streetscape.	S11.1	Carparking areas are accessed from rear laneways where practicable.	<p>Not applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>
O12	Provision is made for a reasonable number of on site carparking spaces identified and reserved for people with disabilities.	S12.1	Carparking spaces are provided for people with disabilities at the rate specified in Section 2.4.5 of AS 2890.1 - <i>Parking Facilities (Part1: Off-street Carparking)</i> .	<p>Complies</p> <p>The existing carpark provides carparking spaces for people with disabilities.</p>
O13	Access and egress points do not impact on the safety and operations of the road system.	S13.1	Vehicle manoeuvring areas are provided in accordance with Section 3 of AS 2890.1 <i>Parking Facilities (Part 1: Off-street Carparking)</i> so vehicles enter and leave the site in a forward gear.	<p>Not applicable.</p> <p>The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.</p>

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
O14	Development with the potential to generate significant traffic and parking impacts gives appropriate consideration to transport and land use issues.	S14.1	No solution provided.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O15	Business Uses and Community Uses are designed and constructed to encourage users of the development to access the site by means of foot or bicycle through provision of appropriate end-of-trip facilities including bicycle parking and shower/change rooms	S15.1	Safe and convenient cycle access to and from the site from the existing road and bicycle network, and safe bicycle movement within the site is provided;	Complies. The existing Noosa Civic Shopping Centre provides access to the existing road network and secure parking spaces for bicycles.
		S15.2	AND Secure and convenient parking space for bicycles is provided on site in accordance with Table 14-48 Minimum requirement for bicycle parking and <i>AS2890.3 Bicycle Parking Facilities</i> ;	
		S15.3	AND Where at least 10 bicycle car parking spaces are required in accordance with Table 14-48, end-of-trip cycle facilities are provided at the following rate: a) 1 locker per 2 bicycle parking spaces; and b) 1 shower cubicle with ancillary change rooms per 10 bicycle spaces or part thereof, providing facilities are either unisex or both males and female facilities are provided.	
		S15.4	Bicycle parking spaces and cyclist facilities are designed in accordance with <i>AUSTROADS Guide to Traffic Engineering Practice</i> , Part 14 - Bicycles, Section 10.	
		S15.5	On-site pedestrian facilities such as seating and shade are provided in developments for the convenience of persons walking to the site.	
O16	Carparks are designed to ensure	S16.1	Grease and oil arrestors or stormwater	Not applicable.

SPECIFIC OUTCOMES		PROBABLE SOLUTIONS		COMPLIANCE
	run-off is treated to remove pollutants prior to leaving the premises.		quality improvement devices are incorporated into the design to treat run-off prior to it leaving the premises.	The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O17	Carparking areas are designed to ensure drainage without the use of pumps or other electrical apparatus.	S17.1	No solution provided	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
O18	Site layout and building design provides for <i>soft landscaping</i> to be established.	S18.1	Below ground components of buildings, including car parks, do not extend beyond the above ground footprint to allow for the provision of landscaping, particularly within building setbacks.	Not applicable. The proposal is for a change of use of premises. Accordingly, the locational constraints and attributes of the land have already been investigated and approved.
Education Type 1, 2 or 3				
O19	Carparking and setdown areas are designed and located to facilitate their safe and efficient use.	S19.1 S19.2 S19.3	Paved setdown areas are provided within the <i>site</i> ; areas; AND For a minimum of 50% of carparking spaces, pedestrian access to buildings is not across or through driveways, carparks, setdown or manoeuvring AND Carparking and setdown areas are visible from off-site.	Not Applicable The proposed change of use is not for Education Type 1, 2 or 3.

Appendix 2

Current Title Search and Easement Documentation

Published on DES Disclosure Log
RTI Act 2009

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

Previous Title: 50644775

REGISTERED OWNER

Dealing No: 710227519 04/01/2007

MIROSE PTY LTD A.C.N. 010 278 118

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 182880
County of MARCH Parish of TEWANTIN
Local Government: NOOSA SHIRE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 11714027 (Lot 29 on CP MCH390)
2. EASEMENT IN GROSS No 602533547 (G983354) 12/05/1983
burdening the land
THE SOUTH EAST QUEENSLAND ELECTRICITY BOARD
over
EASEMENT D ON RP177294
3. TRANSFER No 703629293 13/10/1999 at 13:58
EASEMENT IN GROSS: 602533547 (G983354)
SOUTH EAST QUEENSLAND ELECTRICITY CORPORATION LIMITED A.C.N.
078 849 055
4. EASEMENT IN GROSS No 602533548 (H49699) 04/08/1983
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT A ON RP183901
5. EASEMENT IN GROSS No 602533554 (L463025D) 23/04/1993
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT W ON RP844425
6. MORTGAGE No 708119030 08/10/2004 at 09:06
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

Page 1/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

7. EASEMENT IN GROSS No 710212346 22/12/2006 at 11:26
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENT E ON SP167978
8. COVENANT No 710227518 04/01/2007 at 08:24
COUNCIL OF THE SHIRE OF NOOSA
OVER COVENANTS I, J, K AND L ON SP182845
9. EASEMENT IN GROSS No 710227520 04/01/2007 at 08:24
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENTS P AND S ON SP182880
10. EASEMENT IN GROSS No 710227521 04/01/2007 at 08:25
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENTS Q AND R ON SP182880
11. EASEMENT IN GROSS No 710227522 04/01/2007 at 08:25
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENT T, U AND V ON SP182880
12. EASEMENT IN GROSS No 710227524 04/01/2007 at 08:26
burdening the land
ENERGEX LIMITED A.C.N. 078 849 055
over
EASEMENTS M AND N ON SP192396
13. LEASE No 710341326 15/02/2007 at 12:20
NOOSA MEAT FISH & POULTRY PTY LTD A.C.N. 099 569 810
OF PART OF THE GROUND FLOOR (LEASE 1002)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
14. LEASE No 710341332 15/02/2007 at 12:22
SUNFONES PTY LTD A.C.N. 107 580 530
OF PART OF THE GROUND FLOOR (LEASE 1004)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
15. LEASE No 710341336 15/02/2007 at 12:22
NOVELLINO PTY LTD A.C.N. 112 654 850
OF PART OF THE GROUND FLOOR (LEASE 1005/6)
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL

Page 2/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

16. LEASE No 710341339 15/02/2007 at 12:24
HAIRHOUSE WAREHOUSE LOCATIONS PTY LTD A.C.N. 100 495 985
OF PART OF THE GROUND FLOOR (LEASE 1007)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
17. LEASE No 710341342 15/02/2007 at 12:25
SANITY MUSIC STORES PTY LTD A.C.N. 072 187 298
OF PART OF THE GROUND FLOOR (LEASE 1008)
TERM: 12/10/2006 TO 11/10/2009 OPTION 3 YEARS
18. LEASE No 710341346 15/02/2007 at 12:26
ELECTRONICS BOUTIQUE AUSTRALIA PTY LIMITED A.C.N. 077 681
442
OF PART OF THE GROUND FLOOR (LEASE 1009)
TERM: 12/10/2006 TO 31/01/2012 OPTION NIL
19. LEASE No 710341348 15/02/2007 at 12:26
COTTON ON KIDS PTY LTD A.C.N. 114 221 886
OF PART OF THE GROUND FLOOR (LEASE 1010)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
20. LEASE No 710394533 07/03/2007 at 09:52
BLUEFISH BAR AND GRILL NOOSA PTY LTD A.C.N. 111 421 099
TRUSTEE
UNDER INSTRUMENT 710394533
OF PART OF THE GROUND FLOOR (LEASE 1038)
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL
21. LEASE No 710394559 07/03/2007 at 09:59
BLUEFISH BAR AND GRILL NOOSA PTY LTD A.C.N. 111 421 099
TRUSTEE
UNDER INSTRUMENT 710394559
OF PART OF THE GROUND FLOOR (LEASE 1001)
TERM: 18/11/2006 TO 17/11/2016 OPTION NIL
22. LEASE No 710397642 07/03/2007 at 16:24
SUPER CHEAP AUTO PTY LTD A.C.N. 085 395 124
OF PART OF THE GROUND FLOOR [LEASE EB06-07]
TERM: 16.12.2006 TO 15.12.2016 OPTION FIVE YEARS
23. LEASE No 710400461 08/03/2007 at 13:06
LOWES-MANHATTAN PTY LTD A.C.N. 000 307 666
OF PART OF THE GROUND FLOOR [LEASE 1011]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL

Page 3/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

24. LEASE No 710400463 08/03/2007 at 13:07
THE COFFEE CLUB (PROPERTIES) PTY LTD A.C.N. 066 111 742
OF PART OF THE GROUND FLOOR [LEASE 1049]
TERM: 12.10.2006 TO 11.10.2013 OPTION NIL
25. LEASE No 710400465 08/03/2007 at 13:08
TALLABROOK ENTERPRISES PTY LTD A.C.N. 100 880 359
TRUSTEE 1/2
UNDER INSTRUMENT NO.710400465
ALKALMAR PTY LTD A.C.N. 119 131 314 TRUSTEE 1/2
UNDER INSTRUMENT NO.710400465
OF PART OF THE GROUND FLOOR [LEASE 1069A]
TERM: 12.10.2006 TO 11.10.2016 OPTION NIL
26. LEASE No 710431000 19/03/2007 at 16:22
MICHAEL HILL JEWELLER (AUSTRALIA) PTY LTD A.C.N. 003 181 333
PART OF THE GROUND FLOOR LEASE 1059
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
27. LEASE No 710431001 19/03/2007 at 16:23
STEFAN HAIR FASHIONS PTY LTD A.C.N. 009 779 300
PART OF THE GROUND FLOOR LEASE 1065
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
28. LEASE No 710431004 19/03/2007 at 16:24
NONI B LIMITED A.C.N. 003 321 579
PART OF THE GROUND FLOOR LEASE 1013
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
29. LEASE No 710431009 19/03/2007 at 16:25
THE JEWELLERY CHAIN PROPRIETARY LIMITED A.C.N. 005 984 798
PART OF THE GROUND FLOOR LEASE 1014
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
30. LEASE No 710502880 16/04/2007 at 14:57
PAYLESS SHOES PTY LTD A.C.N. 002 717 419
OF PART OF THE GROUND FLOOR OF A BUILDING (LEASE 1048)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
31. LEASE No 710509436 18/04/2007 at 11:11
EXECUTIVE INVESTMENTS AUSTRALIA PTY LTD A.C.N. 078 496 358
TRUSTEE
UNDER INSTRUMENT 710509436
OF PART OF THE GROUND FLOOR (LEASE 1034A)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL

Page 4/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397

Search Date: 15/11/2007 09:53

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

32. LEASE No 710509461 18/04/2007 at 11:13
RED ZOO PTY LTD A.C.N. 100 724 392 TRUSTEE
UNDER INSTRUMENT 710509461
OF PART OF THE GROUND FLOOR (LEASE 1055)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
33. LEASE No 710509474 18/04/2007 at 11:14
BUZZ HOLDINGS PTY LTD A.C.N. 099 411 060
OF PART OF THE GROUND FLOOR (LEASE 1067)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
34. LEASE No 710509483 18/04/2007 at 11:15
HEALTH MINDERS PTY LIMITED A.C.N. 002 202 913
OF PART OF THE GROUND FLOOR (LEASE 1068)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
35. LEASE No 710509491 18/04/2007 at 11:16
PENNI PTY LTD A.C.N. 107 630 419
OF PART OF THE GROUND FLOOR (LEASE 1042)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
36. LEASE No 710509500 18/04/2007 at 11:16
BUTTERFLY SILVER LEASING PTY LTD A.C.N. 114 378 531
OF PART OF THE GROUND FLOOR (LEASE 1043B)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
37. LEASE No 710509509 18/04/2007 at 11:17
JEANSWEST CORPORATION PTY LTD A.C.N. 007 305 839
OF PART OF THE GROUND FLOOR (LEASE 1050)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
38. LEASE No 710509517 18/04/2007 at 11:18
COLORADO GROUP LTD A.C.N. 004 327 566
OF PART OF THE GROUND FLOOR (LEASE 1056)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
39. LEASE No 710509530 18/04/2007 at 11:19
BLUE & WHITE PTY LTD A.C.N. 079 627 393
OF PART OF THE GROUND FLOOR (LEASE 1060)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
40. LEASE No 710509542 18/04/2007 at 11:20
MCMAHON PROPERTIES PTY LTD A.C.N. 074 365 389 TRUSTEE
UNDER INSTRUMENT 710509542
OF PART OF THE GROUND FLOOR (LEASE CB-2/03)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

41. LEASE No 710511808 18/04/2007 at 14:52
sch4p4(6) Personal information TENANT IN COMMON 1/2
sch4p4(6) Personal information TENANT IN COMMON 1/2
OF PART OF THE GROUND FLOOR (LEASE 1023)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
42. LEASE No 710511812 18/04/2007 at 14:53
KKWI PTY LTD A.C.N. 114 907 925
OF PART OF THE GROUND FLOOR (LEASE 1033)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
43. LEASE No 710511815 18/04/2007 at 14:53
DACKBROOK PTY LTD A.C.N. 010 273 800 TENANT IN COMMON 1/2
WEST END PTY LTD A.C.N. 072 706 195 TENANT IN COMMON 1/2
OF PART OF THE GROUND FLOOR (LEASE 1046)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
44. LEASE No 710511817 18/04/2007 at 14:53
SUPRE PTY LTD A.C.N. 002 927 773
OF PART OF THE GROUND FLOOR (LEASE 1051)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
45. LEASE No 710511822 18/04/2007 at 14:54
GREEN & KOVACS PTY LTD A.C.N. 072 763 743
OF PART OF THE GROUND FLOOR (LEASE 1071)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
46. LEASE No 710511826 18/04/2007 at 14:54
DADDOW'S NOOSA MOTORS PTY LTD A.C.N. 009 873 572
OF PART OF THE GROUND FLOOR (LEASE 1073/74)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
47. LEASE No 710511828 18/04/2007 at 14:54
sch4p4(6) Personal information
sch4p4(6) Personal information JOINT TENANTS
OF PART OF THE GROUND FLOOR (LEASE K1002A)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
48. LEASE No 710631401 30/05/2007 at 11:08
SUBWAY REALTY PTY LTD A.C.N. 009 277 374
OF PART OF THE GROUND FLOOR (LEASE 1036)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL
49. LEASE No 710631413 30/05/2007 at 11:09
RIVERS (AUSTRALIA) PTY LTD A.C.N. 004 151 393
OF PART OF THE GROUND FLOOR (LEASE EA02-04)
TERM: 09/12/2006 TO 08/12/2011 OPTION NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397

Search Date: 15/11/2007 09:53

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

50. LEASE No 710631422 30/05/2007 at 11:10
WIDE BAY AUSTRALIA LTD A.C.N. 087 652 060
OF PART OF THE GROUND FLOOR (LEASE 1064)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
51. LEASE No 710631434 30/05/2007 at 11:11
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937
OF PART OF THE FIRST FLOOR OF A BUILDING (LEASE 06/7/8)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL
52. LEASE No 710631442 30/05/2007 at 11:11
sch4p4(6) Personal information TENANT IN COMMON 1/3
sch4p4(6) Personal information TENANT IN COMMON 1/3
sch4p4(6) Personal information TENANT IN COMMON 1/3
OF PART OF THE GROUND FLOOR (LEASE 1052)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
53. LEASE No 710631453 30/05/2007 at 11:12
EXCALIBUR TRADING PTY LTD A.C.N. 086 859 136
OF PART OF THE GROUND FLOOR (LEASE K1004)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
54. LEASE No 710631460 30/05/2007 at 11:13
sch4p4(6) Personal information
OF PART OF THE GROUND FLOOR (LEASE 1034B)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
55. LEASE No 710631471 30/05/2007 at 11:14
HARRISONS NORTH PTY LIMITED A.C.N. 113 840 841
OF PART OF THE GROUND FLOOR (LEASE MM1)
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL
56. MORTGAGE No 711105383 19/10/2007 at 12:00
BANK OF WESTERN AUSTRALIA LTD A.B.N. 22 050 494 454
over
LEASE: 710631471
57. LEASE No 710631485 30/05/2007 at 11:14
RUGS QLD PTY LTD A.C.N. 109 826 468
OF PART OF THE GROUND FLOOR (LEASE ED2)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
58. LEASE No 710631501 30/05/2007 at 11:15
sch4p4(6) Personal information TENANT IN COMMON 1/2
sch4p4(6) Personal information TENANT IN COMMON 1/2
OF PART OF THE GROUND FLOOR (LEASE 1032)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

59. LEASE No 710631516 30/05/2007 at 11:16
ELECTRICAL HOME-AIDS PTY LIMITED A.C.N. 007 539 577
OF PART OF THE GROUND FLOOR (LEASE ED04)
TERM: 14/12/2006 TO 13/12/2013 OPTION NIL
60. LEASE No 710631527 30/05/2007 at 11:17
MILLER'S RETAIL LIMITED A.C.N. 057 569 169
OF PART OF THE GROUND FLOOR (LEASE 1045)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
61. LEASE No 710631534 30/05/2007 at 11:17
AXAMER PTY LTD A.C.N. 095 861 322 TRUSTEE
UNDER INSTRUMENT 710631534
OF PART OF THE GROUND FLOOR (LEASE BA04)
TERM: 02/04/2007 TO 01/04/2013 OPTION NIL
62. LEASE No 710631540 30/05/2007 at 11:18
LE GREG INVESTMENTS PTY LTD A.C.N. 088 978 634
OF PART OF THE GROUND FLOOR (LEASE 1072)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
63. LEASE No 710631545 30/05/2007 at 11:19
sch4p4(6) Personal information IN COMMON 1/3
sch4p4(6) Personal information TENANT IN COMMON 1/3
sch4p4(6) Personal information TENANT IN COMMON 1/3
OF PART OF THE GROUND FLOOR (LEASE 1035B)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
64. LEASE No 710631556 30/05/2007 at 11:19
FONE ZONE LIMITED A.C.N. 061 796 414
OF PART OF THE GROUND FLOOR (LEASE 1058B)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
65. LEASE No 710631566 30/05/2007 at 11:20
HERITAGE BUILDING SOCIETY LIMITED A.C.N. 087 652 024
OF PART OF THE GROUND FLOOR (LEASE 1030)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
66. LEASE No 710631575 30/05/2007 at 11:21
FLIGHT CENTRE LIMITED A.C.N. 003 377 188
OF PART OF THE GROUND FLOOR (LEASE 1061)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
67. LEASE No 710634455 30/05/2007 at 16:02
DICK SMITH ELECTRONICS PTY LTD A.C.N. 000 908 716
OF PART OF THE GROUND FLOOR (LEASE EC01)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL

Page 8/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

68. LEASE No 710634473 30/05/2007 at 16:03
LEALDIR PTY LTD A.C.N. 104 246 433
OF PART OF THE GROUND FLOOR (LEASE MM2)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
69. LEASE No 710634487 30/05/2007 at 16:04
KING OF KNIVES PTY LIMITED A.C.N. 003 232 531
OF PART OF THE GROUND FLOOR (LEASE 1066)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
70. LEASE No 710634496 30/05/2007 at 16:05
STINGRAY PTY LTD A.C.N. 009 844 820 TENANT IN COMMON 1/2
FELLMERE PTY LTD A.C.N. 074 076 574 TENANT IN COMMON 1/2
OF PART OF THE GROUND FLOOR (LEASE EC05)
TERM: 12/10/2006 TO 11/10/2009 OPTION 3 YEARS
71. LEASE No 710634509 30/05/2007 at 16:06
SHINE NAIL PTY LTD A.C.N. 115 118 495
OF PART OF THE GROUND FLOOR (LEASE 1031)
TERM: 12/10/2006 TO 11/10/2011 OPTION 3 YEARS
72. LEASE No 710634514 30/05/2007 at 16:07
THE ATHLETE'S FOOT AUSTRALIA PTY LIMITED A.C.N. 001 777 582
OF PART OF THE GROUND FLOOR (LEASE 1054)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
73. LEASE No 710634527 30/05/2007 at 16:09
NOOSA ALLIED HEALTH SERVICES PTY LTD A.C.N. 092 569 036
OF PART OF THE GROUND FLOOR (LEASE CB04)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
74. LEASE No 710634550 30/05/2007 at 16:11
BRANDS UNITED PTY LTD A.C.N. 064 814 240
OF PART OF THE GROUND FLOOR (LEASE 1015)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
75. LEASE No 710634558 30/05/2007 at 16:12
BRIGHT EYES LEASING PTY LTD A.C.N. 096 607 840
OF PART OF THE GROUND FLOOR (LEASE 1058A)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
76. LEASE No 710634562 30/05/2007 at 16:13
WALLACE BISHOP PTY LTD A.C.N. 009 665 212
OF PART OF THE GROUND FLOOR (LEASE 1016)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL

Page 9/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

77. LEASE No 710634579 30/05/2007 at 16:17
WHITE CLOUD TRADING PTY LTD A.C.N. 003 667 178
OF PART OF THE GROUND FLOOR (LEASE 1021)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
78. LEASE No 710639634 31/05/2007 at 16:29
STARBUCKS COFFEE COMPANY (AUSTRALIA) PTY LTD A.C.N. 089 313
057
OF PART OF THE GROUND FLOOR (LEASE 1040)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL
79. LEASE No 710645640 04/06/2007 at 11:37
OPSM PTY LTD A.C.N. 000 025 758
OF PART OF THE GROUND FLOOR (LEASE 1041)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
80. LEASE No 710645655 04/06/2007 at 11:39
ANGUS & COOTE PTY LTD A.C.N. 000 009 772
OF PART OF THE GROUND FLOOR (LEASE 1020)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
81. LEASE No 710645667 04/06/2007 at 11:40
SPECS DIRECT PTY LTD A.C.N. 089 118 392
OF PART OF THE GROUND FLOOR (LEASE 1070)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
82. LEASE No 710645680 04/06/2007 at 11:42
sch4p4(6) Personal information
sch4p4(6) Personal information JOINT TENANTS
OF PART OF THE GROUND FLOOR (LEASE BA03)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
83. TRANSFER No 711058189 04/10/2007 at 10:04
LEASE: 710645680
I & C ON THE BEACH PTY LTD A.C.N. 116 903 694
84. LEASE No 710691395 14/06/2007 at 16:22
IRONBARK QLD PTY LTD A.C.N. 089 767 493
OF PART OF THE GROUND FLOOR (LEASE 1026)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
85. LEASE No 710700443 15/06/2007 at 15:51
WCNCN PTY LTD A.C.N. 122 082 455 TRUSTEE 1/2
UNDER INSTRUMENT 710700443
WCNCN PTY LTD A.C.N. 122 082 455 TRUSTEE 1/2
UNDER INSTRUMENT 710700443
OF PART OF THE GROUND FLOOR (LEASE CA03)
TERM: 01/01/2007 TO 31/12/2011 OPTION NIL

Page 10/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

86. LEASE No 710728983 21/06/2007 at 13:05
ANSTON PTY LTD A.C.N. 054 261 200 TENANT IN COMMON 1/3
AQUALUMIERE PTY LTD A.C.N. 009 564 913 TENANT IN COMMON 1/3
AJAY AMIN TRUSTEE 1/3
UNDER INSTRUMENT NO.710728983
OF PART OF THE GROUND FLOOR [LEASE T1069B]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
87. LEASE No 710729023 21/06/2007 at 13:08
COMPLETE FRAMING AUSTRALIA PTY LTD A.C.N. 098 699 435
OF PART OF THE GROUND FLOOR [TENANCY EA-01]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
88. LEASE No 710729048 21/06/2007 at 13:09
sch4p4(6) Personal information
sch4p4(6) Personal information JOINT TENANTS
OF PART OF THE GROUND FLOOR [TENANCY 1047]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
89. LEASE No 710729062 21/06/2007 at 13:10
D C K AUSTRALIA PTY LTD A.C.N. 101 872 888
OF PART OF THE GROUND FLOOR [TENANCY 1057]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
90. LEASE No 710729081 21/06/2007 at 13:11
sch4p4(6) Personal information TRUSTEE
UNDER INSTRUMENT NO.710729081
OF PART OF THE GROUND FLOOR [LEASE 1044]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
91. LEASE No 710777946 03/07/2007 at 13:29
THE COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE CHIEF
OFFICER OF CENTRELINK
OF PART OF THE GROUND FLOOR (LEASE BA01)
TERM: 12/10/2006 TO 11/10/2013 OPTION 4 YEARS
92. LEASE No 710791660 06/07/2007 at 16:02
SUNSTATE FOODS PTY LIMITED A.C.N. 010 621 477 TRUSTEE
UNDER INSTRUMENT NO.710791660
OF PART OF THE GROUND FLOOR [LEASE 1024]
TERM: 22.11.2006 TO 21.11.2011 OPTION 3 YEARS
93. LEASE No 710830640 20/07/2007 at 13:11
SKILL CENTRED QUEENSLAND INC.
OF PART OF THE GROUND FLOOR [LEASE BA2]
TERM: 12.10.2006 TO 11.10.2012 OPTION NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397
Search Date: 15/11/2007 09:53

Title Reference: 50644777
Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

94. LEASE No 710830691 20/07/2007 at 13:14
VANCRIIS PTY LTD A.B.N. 19 078 351 103 TENANT IN COMMON 1/2
SURFEROSA PTY LTD A.B.N. 13 117 145 258 TENANT IN COMMON 1/2
OF PART OF THE GROUND FLOOR [LEASE ED-01]
TERM: 12.10.2006 TO 11.10.2011 OPTION NIL
95. LEASE No 710832631 20/07/2007 at 16:18
AMI RADIO PTY LIMITED A.C.N. 075 044 861
OF PART OF THE FIRST FLOOR [LEASE CB09/10]
TERM: 12.10.2006 TO 11.10.2016 OPTION NIL
96. LEASE No 710832666 20/07/2007 at 16:22
ALLY FASHION PTY LTD A.C.N. 097 575 294
OF PART OF THE GROUND FLOOR (LEASE 1053)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
97. LEASE No 710848647 26/07/2007 at 16:06
JUSTKIN PTY LTD A.C.N. 098 452 754
PART OF THE GROUND FLOOR TENANCY 1063
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
98. LEASE No 710855013 30/07/2007 at 12:43
BOARDROOMS AUSTRALIA PTY LTD A.C.N. 118 098 909
PART OF THE FIRST FLOOR LEASE CA 8/9/10
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL
99. LEASE No 710871428 03/08/2007 at 12:50
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937
OF PART OF THE GROUND FLOOR (LEASE BB11-12) AND PART OF THE
MEZZANINE FLOOR (LEASE BB11-12M)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL
100. LEASE No 710912142 17/08/2007 at 15:36
SUNCORP-METWAY LIMITED A.C.N. 010 831 722
OF PART OF THE GROUND FLOOR (ATM 1)
TERM: 12/10/2006 TO 11/10/2009 OPTION NIL
101. LEASE No 710928341 23/08/2007 at 11:49
COMMONWEALTH BANK OF AUSTRALIA A.C.N. 123 123 124
OF PART OF THE GROUND FLOOR (ATM 5 AND ATM 6)
TERM: 22/05/2007 TO 21/05/2010 OPTION NIL
102. LEASE No 710970315 05/09/2007 at 15:57
MATES RATES ONLINE.COM PTY LTD A.C.N. 109 945 986
OF PART OF THE GROUND FLOOR (LEASE CB01)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL

Page 12/15

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397

Search Date: 15/11/2007 09:53

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

103. LEASE No 711003024 17/09/2007 at 11:53
INGLAS PTY LTD A.C.N. 106 495 265
PART OF THE GROUND FLOOR LEASE 1043A
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
104. LEASE No 711005444 18/09/2007 at 08:49
BLOCK ENTERPRISES PTY LTD A.C.N. 124 380 669 TRUSTEE
UNDER INSTRUMENT 711005444
OF PART OF THE FIRST FLOOR (LEASE CA06-07)
TERM: 16/05/2007 TO 15/05/2014 OPTION NIL
105. LEASE No 711027785 25/09/2007 at 11:33
BANK OF QUEENSLAND LIMITED A.C.N. 009 656 740
PART OF THE GROUND FLOOR ATM 4
TERM: 12/10/2006 TO 11/10/2009 OPTION NIL
106. LEASE No 711027796 25/09/2007 at 11:34
SUNCORP-METWAY LIMITED A.C.N. 010 831 722
PART OF THE GROUND FLOOR LEASE BB05/06 AND PART OF THE
MEZZANINE FLOOR LEASE BB05/06MEZ
TERM: 27/06/2007 TO 26/06/2013 OPTION NIL
107. LEASE No 711027811 25/09/2007 at 11:35
WESTPAC BANKING CORPORATION A.C.N. 007 457 141
PART OF THE GROUND FLOOR ATM 3
TERM: 07/12/2006 TO 06/12/2009 OPTION NIL
108. LEASE No 711073777 09/10/2007 at 16:14
JAMAICA BLUE PTY LIMITED A.C.N. 059 236 387
OF PART OF THE GROUND FLOOR (LEASE K1002)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
109. LEASE No 711073779 09/10/2007 at 16:15
MUFFIN BREAK PTY LTD A.C.N. 007 192 529
OF PART OF THE GROUND FLOOR (LEASE K1006)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
110. LEASE No 711107673 19/10/2007 at 16:08
BCF AUSTRALIA PTY LTD A.C.N. 110 667 411
OF PART OF THE GROUND FLOOR (LEASE EB 01-05)
TERM: 16/12/2006 TO 15/12/2016 OPTION 5 YEARS
111. LEASE No 711135623 30/10/2007 at 15:51
GO SUSHI (CORPORATE) PTY LTD A.C.N. 106 006 919
OF PART OF THE GROUND FLOOR (LEASE K1007)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397

Search Date: 15/11/2007 09:53

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

112. LEASE No 711135633 30/10/2007 at 15:52
DONUT MANAGEMENT PTY LTD A.C.N. 069 960 701
OF PART OF THE GROUND FLOOR (LEASE K1001)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
113. LEASE No 711136219 31/10/2007 at 09:07
WOOLWORTHS LIMITED A.B.N. 88 000 014 675
OF PART OF THE GROUND FLOOR (LEASE M1001) AND PART OF THE
MEZZANINE (LEASE M1001A)
TERM: 12/10/2006 TO 11/10/2026 OPTION 10 YEARS
114. LEASE No 711145793 02/11/2007 at 11:47
THE STATE OF QUEENSLAND
(REPRESENTED BY DEPARTMENT OF PUBLIC WORKS)
OF PART OF THE GROUND FLOOR (LEASE CB-05)
TERM: 01/07/2007 TO 30/06/2011 OPTION 2 YEARS
115. LEASE No 711148206 02/11/2007 at 16:21
OGERP PTY LTD A.C.N. 009 539 726
PART OF THE GROUND FLOOR (LEASE 1003)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
116. LEASE No 711148213 02/11/2007 at 16:23
COOINDA QLD PTY LTD A.C.N. 108 212 200
PART OF THE GROUND FLOOR (LEASE EC-03)
TERM: 02/07/2007 TO 01/07/2012 OPTION NIL
117. LEASE No 711160144 07/11/2007 at 15:56
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
357 522
OF PART OF THE GROUND FLOOR (LEASE BB09/10)
TERM: 12/10/2006 TO 11/10/2014 OPTION NIL
118. LEASE No 711166119 09/11/2007 at 11:47
MOUNTFORD PROPERTIES PTY LTD A.C.N. 074 365 370 TRUSTEE
UNDER INSTRUMENT 711166119
OF PART OF THE GROUND FLOOR (LEASE CA 04/05)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS

Dealing	Type	Lodgement Date	Status
710981233	LEASE	10/09/2007 11:28	UNVERIFIED
710981275	SURVEY PLAN SP/182832	10/09/2007 11:31	UNVERIFIED
711148210	LEASE	02/11/2007 16:22	UNVERIFIED
711160149	LEASE	07/11/2007 15:57	UNVERIFIED
711177846	SURRENDER	14/11/2007 10:49	UNVERIFIED
711181162	LEASE	14/11/2007 16:09	UNVERIFIED

CURRENT TITLE SEARCH

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 2497397

Search Date: 15/11/2007 09:53

Title Reference: 50644777

Date Created: 08/01/2007

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES AND WATER) [2007]

Requested By: CITEC CONFIRM

Published on DES Disclosure Log
RTI Act 2009

Page 15/15

Appendix 3

Easement Documentation

Published on DES Disclosure Log
RTI Act 2009

6983354

NO.



602533547

MEMORANDUM OF ENCUMBRANCES, LIENS
AND INTERESTS

6983354

EAS IN GROSS

OF EASEMENT

sch4p4(6) Personal information
sch4p4(6) Personal information and
B.G. HARTWIG & CO. PTY. LIMITED

the Grantor

THE SOUTH EAST QUEENSLAND
ELECTRICITY BOARD

the Grantee

sch4p4(6) Personal information

sch4p4(6) Personal information entered in the Register Book
sch4p4(6) Personal information
Volume.....Folio...58

the day of

19 at

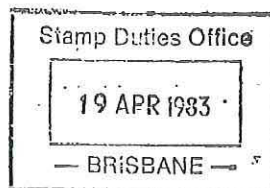
10 JUN 1983 sch4p4(6) Personal information

at 9.00 am

sch4p4(6) Personal information
Registrar of Titles

37317

sch4p4(6) Personal information



Received
herein

used mentioned

10.6.83

CANNAN & PETERSON

sch4p4(6) Personal information

SOLICITORS FOR

GRANTOR PURCHASER

MORTGAGE

sch4p4(6) Personal information

Published on DES Disposal
RTI Act 2009

RECEIVED
REG. OF TITLES
MAY 12 11 08 AM '83

THYNNE & MACARTNEY,
SOLICITORS

BRISBANE.

sch4p4(6) Personal information

caravans, demountable or demountables, which may be parked or located on the said land under the electric lines.

- (c) The removal or stockpiling of any soil, sand, gravel, other substance or material on the said land or the construction of any roads, dam walls or other earthworks on the said land which would in any way reduce below the statutory requirement the height of conductors above ground level.
- (d) The removal or stockpiling of any soil, gravel or other substance within a distance of five (5) metres from the base of any pole, ground stay or structure on or in the said land.
- (e) The inundation of the said land where any poles, ground-stays or structures are erected or located.
- (f) The inundation of the said land which would in any way reduce the height of the conductors below the statutory requirement.
- (g) The growing of sugarcane on the said land without the prior approval in writing of the Grantee.

IN WITNESS WHEREOF the said sch4p4(6) Personal information sch4p4(6) Personal information sch4p4(6) Personal information have hereunto subscribed their names and the Common Seal of B.G.

Hartwig & Co. Pty. Limited was hereunto affixed this 31st day of March, 1987.

SIGNED on the day abovenamed by the said)
sch4p4(6) Personal information in the presence of:)

sch4p4(6) Personal information

A Justice of the Peace

SIGNED on the day abovenamed by the said)
sch4p4(6) Personal information in the presence of:)

sch4p4(6) Personal information

A Justice of the Peace

THE COMMON SEAL of B.G. HARTWIG & CO. PTY. LIMITED was hereunto affixed by the authority of the Board in the presence of a Director and the Secretary being the proper officers to affix the Seal in the presence of:

sch4p4(6) Personal information

A Justice of the Peace

Correct for the purpose of registration

sch4p4(6) Personal information
sch4p4(6) Personal information
Solicitors for the Grantee

Address:

67/16p25

Collect CIT Volume 5103 Folio 58

sch4p4(6) Personal information

sch4p4(6) Personal information

6.6.83

QUEENSLAND 11438235

STAMP DUTIES OFFICE

2430332 31

\$43.00

MEMORANDUM OF TRANSFER OF EASEMENT

WE, sch4p4(6) Personal information and B.G. HARTWIG & CO.
PTY. LIMITED

(hereinafter called "the Grantor" which expression shall where the context permits be deemed to include the said Brian Gerald Kennedy, Carmel Mary Kennedy and B.G. Hartwig & Co. Pty. Limited their respective executors, administrators, successors ~~executors, administrators~~

sch4p4(6) Personal information

and assigns and other the owner, owners, occupier or occupiers, registered proprietor or registered proprietors for the time being of the land hereinafter referred to) being the Registered Proprietor of an estate in fee simple as tenants in common in the interests of one-quarter, one-quarter and one-half respectively SUBJECT HOWEVER to such encumbrances, liens and interests as are notified by Memorandum endorsed hereon in all that piece of land situated in the County of March Parish of Tewantin containing an area of 2,568 hectares more or less described as Easement C in Portion 29 and containing an area of 6699 square metres more or less described as Easement D in Portion 29 both as shown on Registered Plan No. 177294 being part of the land contained in Certificate of Title Volume 5103 Folio 58

SERV

(which land is hereinafter called "the said land") IN CONSIDERATION of the sum of Four thousand one hundred and fifty dollars (\$ 4,150.00) paid to us by THE SOUTH EAST QUEENSLAND ELECTRICITY

BOARD (hereinafter with its successors and assigns called "the Grantee") the receipt of which sum we hereby acknowledge DO HEREBY GRANT AND TRANSFER to the Grantee an easement in perpetuity with full and free liberty and right at all times hereafter to convey, distribute and transform electricity over, across and on the said land by means of electric lines in accordance with the "Electricity Act 1976" which states "electric line" means any wire or wires, conductor or other means used for the purpose of conveying, transmitting, transforming or distributing electricity, together with any casing, coating, covering, tube, pipe, pillar, pole or tower, post, frame, bracket or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, transforming or distributing electricity; (or any Act or Acts amending or in substitution for the same) with full power to the Grantee, its employees and others authorised by the Grantee to :-

1. (a) Construct and erect on, in or through the said land the electric lines hereinbefore described (as shall be required for so conveying, distributing and transforming electricity).
- (b) Inspect, maintain, repair and replace such electric lines.
- (c) Remove and carry away at any time the whole or any part or parts of such electric lines.
2. Construct and erect additional or further electric lines and/or

reconstruct the existing electric lines and for such purpose to erect on, in, or through the said land such further or new electric lines as the Grantee shall require or consider necessary and in the event of the erection of further electric lines or the reconstruction of the existing electric line the Grantor reserves the right to make a claim for further compensation by reason of or arising out of the erection of such further electric lines or the reconstruction of the existing electric line as aforesaid provided that such claim for compensation shall be lodged with the Grantee within three (3) calendar months from the date the erection of such electric lines or reconstruction of the existing electric line shall have been completed.

3. Clear and keep clear the said land by any means or method and to cut and remove timber, trees and undergrowth from the said land and to burn off on the said land such timber, trees and undergrowth.
4. Construct and maintain such access tracks, gates and appurtenant works as the Grantee shall consider necessary on the said land, and, subject to the prior consent of the Grantor, construct and maintain access tracks, gates and appurtenant works off the said land which the Grantee shall consider necessary.
5. Permit and allow structures or buildings now located on the said land to remain at the pleasure of the Grantor but to prevent the Grantor making or causing to be made any alterations or additions to such structures or buildings affecting their overall dimensions without the prior approval in writing of the Grantee.
6. Permit and allow the replacement of existing structures and buildings on the said land with the prior approval in writing of the Grantee.
7. Permit and allow the erection of any additional structures and buildings on the said land with the prior approval in writing of the Grantee and subject to statutory electrical clearances being maintained.
8. Permit the use of the said land for any purpose not inconsistent with the rights previously mentioned hereby granted to the Grantee and not likely to cause interference with or endanger the Grantee's electric lines, access tracks and appurtenant works.
9. Enter upon and remain, pass and repass on and over the said land for all or any of the purposes aforesaid and with or without vehicles, plant and equipment of any description.
10. The right of ingress and egress to and from the said land, over the land of the Grantor adjoining or adjacent to the said land to permit access to the nearest surveyed road or to such other point on the land of the Grantor as the Grantee shall consider convenient or necessary to obtain access to and from the said land.
11. PREVENT:
 - (a) The erection of any buildings or structures (other than fences) on the said land without the prior approval in writing of the Grantee.
 - (b) Any person or persons from residing in or occupying any caravan or

\$81.00

5500 EASEMENT

sch4p4(6) Personal information
sch4p4(6) Personal information

1/CODE

sch4p4(6) Personal information

(insert type of dealing)

VOLUME 7154

FOLIO

AT

AM/PM

sch4p4(6) Personal information
sch4p4(6) Personal information
sch4p4(6) Personal information

4p4(6) Personal information

REQUISITIONS

~~7-11-33 and 35~~

4-5-93

(-6/5/93)-



602533554

L463025D

EAS IN GROSS

IMAGED FROM MICROFILM

BELOW THIS LINE TO BE COMPLETED BY LODGER		LODGER CODE
LODGED BY: PETER ATKINSON		6
ADDRESS: WNSA SHARE COUNCIL		
CERTIFICATES OF TITLE DEEDS OF GRANT DECLARATIONS ETC (TO BE COMPLETED BY LODGING PARTIES)		
1. C F	LODGED BY: McULLOUGH ROBERTSON	(26)
2.		
3.		
BELOW THIS LINE FOR DELIVERY NOTATIONS		
RECEIPT NOTATIONS		OFFICE USE
ITEMS RECEIVED:		<div style="border: 1px solid black; padding: 5px;"> sch4p4(6) Personal info sch4p4(6) Personal info 19 </div>
FIRM NAME:		
PER:		
AUTHORITY:		
DATE:		
ITEMS DELIVERED BY POST		
FORWARDED TO LODGER OF THIS DOCUMENT ON		

EASEMENT IN GROSS

(13)

CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY-

sch4p4(6) Personal information

sch4p4(6) Personal information

GRANTEE (signature)

OR

sch4p4(6) Personal information

his/her SOLICITOR (signature)

(Full name to be printed)

sch4p4(6) Personal information

Published on DES Disclosure Log
RTI Act 2009

FORM 33
Queensland
Real Property Act 1861-1985
Real Property Regulations 1986

SCHEDULE

This is the Schedule in Easement in Gross dated the 15th day of October 1992 comprising 1 page/s.

The Grantors do hereby grant transfer and confirm unto the Grantee the following easement namely the full and free right and liberty to the Grantee its agents, servants, workmen and others authorised on its behalf at all times hereafter to lay water mains upon, under and through the surface of the servient tenement and to use the same in common with any other person lawfully entitled thereto and freely to run and to pass water through under and along the same and from time to time and at all times to enter upon the servient tenement to inspect cleanse repair and maintain the said water mains and when and where necessary to lay new water mains in substitution therefor.

AND the Grantor hereby covenants with the Grantee that the Grantee its agents, servants, workmen and others authorised on its behalf for the purpose of the full enjoyment of the aforesaid rights shall have full free and uninterrupted right and liberty at all times hereafter by day or night and with or without vehicles machinery or tools of any description to enter upon and to go pass and repass over and along the said servient tenement and shall have the right to enter upon and under the servient tenement and to open and break up the soil of the servient tenement or any part thereof as well as the sub-surface as the surface thereof and to bring and place in and upon the servient tenement and remove such materials machinery tools and other articles and to do such other things in the premises as the said Grantee shall in its discretion think fit.

AND the Grantor shall not nor will at any time build upon the servient tenement or any part thereof or use the said land in such a way as to obstruct or interfere with the said water mains and water reticulation system and the proper and effective use thereof by the Grantee.

AND the Grantee hereby covenants with the Grantor that the Grantee will at all times hereafter exercise the rights and privileges hereby granted in a proper and workmanlike manner and so as to cause as little inconvenience as possible and do as little damage as practicable to the servient tenement.

Form 35
Queensland
Real Property Act 1861-1988
Real Property Regulations 1986

GENERAL CONSENT

Item

(1) Type of Instrument: Easement in Gross

Dealing number:) sch4p4(6) Personal information
OR)

Names of parties:) and
COUNCIL OF THE SHIRE OF NOOSA

Date of Instrument: 15.10.92

(2) Title Reference: Part of Vol: 7154 Fol: 154

(3) I, METWAY BANK LIMITED A.C.N. 010 831 722

being the mortgagee

under Bill of Mortgages Numbers J644249C, K205588R, K221554G
and L 369 760 T hereby consent to the registration of the
instrument specified in Item (1) above.

(4) Signed this 1ST day of FEBRUARY 1993
METWAY BANK LIMITED BY ITS DULY CONSTITUTED ATTORNEY (6) Personal information
sch4p4(6) Personal information (Level 11) AND sch4p4(6) Personal information (LEVEL 11) UNDER
POWER OF ATTORNEY NO. K865425N

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

(signature of witness) sch4p4(6) Personal information

(qualification) A JUSTICE OF THE PEACE

(full name to
be printed) sch4p4(6) Personal information

36825/1
m/s

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Form 9 Version 3
Page 1 of 5

Dealing Number



710212346

\$111.30

22/12/2006 11:26

BE 601

Queensland Duty Imprint	\$1.50
On the Amount of \$1.00	Duty Code JREH
13A:BNE:16447 Transaction Number 100106	
Signed: sch4p4(6) Personal information 8/11/06	

1. **Grantor**
Mirose Pty Ltd ACN 010 278 118
Lodger (Name, address & phone number)
sch4p4(6) Personal information
6182 Eagle Street, Brisbane
Ph. 3229 4408
Lodger Code
463

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land) Easement E on SP 167978	March	Tewantin	50600241

3. **Interest being burdened**
Fee Simple

4. **Interest being benefited**
Fee Simple
* not applicable if easement in gross

5. **Grantee** Given names Surname/Company name and number (include tenancy if more than one)
The Council of the Shire of Noosa

6. **Consideration**
\$1.00

7. **Purpose of easement**
Drainage

8. **Grant/Execution**

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Witnessing Officer

sch4p4(6) Personal information signature

sch4p4(6) Personal information full name

SOLICITOR

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Witnessing Officer

signature

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Execution Date

Grantor's Signature

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Title Reference

1. DEFINITIONS AND INTERPRETATIONS

1.1 The following definitions and those on the Form 9 apply unless the context requires otherwise.

"Development Approval" means a development approval issued by the Grantor for the development of the Relevant Area.

"Easement" means this easement including the schedules to it and any later amendments or variations made by the parties in writing.

"Grantee" means the persons described in Item 5 of the Form 9 and each of their executors, successors, servants, agents, tenants, licensees and invitees.

"Grantor" means the persons described in Item 1 of the Form 9 and each of their executors, successors, servants, agents, tenants, licensees and invitees.

"Relevant Area" means the north-eastern corner of Lot 2 on SP 167978, which includes the Servient Tenement.

"Open Drainage Channel" means the Grantor's open drainage outlet for the purpose of drainage of water onto the Servient Tenement.

1.2 This Easement is governed by Queensland law.

2. GRANT OF EASEMENT

2.1 The Grantor grants to the Grantee a drainage easement, on the following terms to:-

2.1.1 enter the Servient Tenement with its contractors and machinery to maintain, repair and replace the Open Drainage Channel; and

2.1.2 drain water over the Servient Tenement.

3. GRANTOR'S OBLIGATIONS

3.1 The Grantor must:

3.1.1 not unreasonably prevent or restrict the Grantee in the exercise of the rights granted by this Easement, unless the Grantor is obliged by law to do so;

3.1.2 not unreasonably obstruct the Grantee's access to the Servient Tenement or unreasonably interfere with the rights granted to the Grantee by this Easement;

3.1.3 subject to Clause 4.1.4, maintain (at its cost) the surface of the Servient Tenement (other than the Open Drainage Channel) in a good condition;

3.1.4 not without the consent of the Grantee (acting reasonably) at any time change or alter anything done by the Grantee in the proper exercise of the Grantee's right under this Easement, unless the Grantor is obliged by law to do so; and

Title Reference

3.1.5 pay the municipal rates and land tax (if any) imposed on the Servient Tenement.

4. GRANTEE'S COVENANTS

4.1 The Grantee must:

4.1.1 not, without the prior written consent of the Grantor, install any other pipes, drains, conduits or channels on, above or below the surface of the Servient Tenement or extend or substantially alter the Open Drainage Channel;

4.1.2 not cause any damage to the Servient Tenement and the improvements thereon;

4.1.3 at all times exercise the right granted by this Easement in a proper manner and so as to cause as little inconvenience as possible; and

4.1.4 within a reasonable time, repair (at its cost) and make good any damage caused by the Grantee to the Servient Tenement and the improvements thereon in the course of the Grantee's exercise (or purported exercise) of the right granted by this Easement.

4.2 Notwithstanding clause 4.1, the Grantee shall not be liable for any damage caused to the Servient Tenement and the improvements thereon to the extent that such damage is caused or contributed to by the flow of water over the Servient Tenement.

5. RISK AND INDEMNITY

5.1 The Grantee must observe each Covenant in Clause 4 at the Grantee's risk and expense.

5.2 The Grantee enters, occupies and uses the Servient Tenement at the Grantee's risk.

6. BENEFIT AND BURDEN OF STIPULATIONS

6.1 The benefit and burden of the covenants, agreements and stipulations in this Easement shall pass with and bind the Servient Tenement and Dominant Tenement and bind all persons deriving title from or under the Grantor or Grantee and the Grantor and Grantee on ceasing to be the registered owners of the Servient Tenement and Dominant Tenement respectively shall have no further entitlement and be under no further liability for any event or occurrence thereto.

7. SUBSEQUENT SURRENDER OF EASEMENT

7.1 Notwithstanding anything elsewhere herein contained or implied, the Grantee agrees that:

7.1.1 this Easement will not restrict or prevent the further development of the Relevant Area; and

7.1.2 it will surrender this Easement as a condition of any Development Approval provided that the proposed development which is the subject of the Development Approval deals with the issue of drainage of water to the Grantee's satisfaction (acting reasonably).

Title Reference

- 7.2 The Grantee must execute all such documentation required to effect a surrender of this Easement at the Department of Natural Resources & Mines.

8. COSTS

- 8.1 The Grantor must pay the Grantee's reasonable costs (including legal costs), in accordance with the pre-agreed fee estimate provided by the Grantee, in relation to the preparation, negotiation and execution of this Easement.
- 8.2 The Grantor must pay all stamp duty, registration fees and survey fees in connection with this Easement and the surrender of this Easement pursuant to clause 7.

9. NOTICES

- 9.1 Any notice or other communication given by a party in connection with this Easement is deemed to have been duly given when made in writing and signed by the party or, in the case of a corporation, by an authorised officer of the party and sent by prepaid post or facsimile to:
- 9.1.1 the last known residential or business address of the other party (in the case of an individual); or
 - 9.1.2 the registered office or last known business address of the other party (in the case of a corporation).
- 9.2 Any notice or other communication sent by post shall be deemed to have been received at the expiration of two (2) business days after the date of posting.
- 9.3 Any notice or other communication sent by facsimile shall be deemed to have been received upon production by the sending party's facsimile machine of a transmission report indicating the facsimile has been successfully sent.

10. DISPUTE RESOLUTION

- 10.1 Any dispute which arises between the Grantor and the Grantee to this Easement may be determined by a solicitor of the Supreme Court of Queensland appointed by the Chief Executive Officer at the relevant time of the Queensland Law Society Inc at the request of the Grantor or the Grantee.
- 10.2 The solicitor shall act as an expert not as an arbitrator and the solicitor's determination is final and binding on both parties.
- 10.3 The costs of the solicitor's determination shall be borne equally by the Grantor and the Grantee.

Title Reference

11. GENERAL PROVISIONS

- 11.1 No variation, modification or waiver of any provision of this Easement will be of any effect unless it is in writing signed by the parties or (in the case of a waiver) by the party giving it. Any variation, modification or waiver will be effective only to the extent to or for which it may be made or given.
- 11.2 No failure, delay, relaxation or indulgence by any party in exercising any legal, equitable, contractual, statutory or other right, power, authority, benefit, privilege, remedy, discretion or cause of action conferred on that party by this Easement will operate as a waiver of it, nor will any single or partial exercise nor any single failure to do so preclude any other or future exercise under this Easement.
- 11.3 The Grantor and Grantee must do all things and sign all deeds and other documents which may be reasonably required by the other party so as to carry out and give effect to the terms and intentions of this Easement.

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Form 9 Version 3
Page 1 of 2

Duty Imprint



710227520
\$111.30
\$111.30

04/01/2007 08:24

BE 600

Mirose Pty Ltd ACN 010 278 118

Queensland Duty Paid \$ 1.50	Duty Code TLEH
On the Amount of \$ 1.00	9/10/06
13A: DNE: 16447 Transaction Number	
Signed: sch4p4(6) Personal information	9/10/06

Lodger (Name, address & phone number)

Lodger
Code
463

s.78B(2)
GPO Box 458
Brisbane Qld 4001
Tel: (07) 3229 4408

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land)			
Easement P in Lot 2 on SP 182880	March	Tewantin	50600241
Easement S in Lot 2 on SP 182880	March	Tewantin	50600241
* Dominant Tenement (benefited land)			(new title to issue)

N/A

3. Interest being burdened

Fee Simple

*4. Interest being benefited

N/A

* not applicable if easement in gross

5. Grantee Given names

Surname/Company name and number

(include tenancy if more than one)

Council of the Shire of Noosa

6. Consideration

\$1.00

7. Purpose of easement

Sewerage

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of standard terms document number 701792601 as varied by the terms and conditions contained in the attached Schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Execution Date

Grantor's Signature

3, 10, 06

Mirose Pty Ltd ACN 010 278 118

sch4p4(6) Personal information

Director sch4p4(6) Personal information

sch4p4(6) Personal information

Director's Secretary

sch4p4(6) Personal information

sch4p4(6) Personal information

Witnessing Officer

Execution Date

10, 10, 06

signature

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994
eg Legal Practitioner, JP, C Dec)

sch4p4(6) Personal information

MAYOR
A/CHIEF EXECUTIVE OFFICER

Title Reference 50600241

Standard Registered Easement Document No. 701792601 is amended as follows:

A. The following clause is inserted:

"1 **GRANTEE'S COVENANTS**

1.1 Notwithstanding anything else herein contained or implied in this Easement, the Grantee must:

- 1.1.1 At all times exercise the right granted by this Easement in a proper manner and so as to cause as little inconvenience as possible; and
- 1.1.2 Within a reasonable time, repair (at its cost) and make good any damage caused by the Grantee to the Servient Tenement and any improvements thereon in the course of the Grantee's exercise (or purported exercise) of the right granted by this Easement."

B. The words "and associated structures, access chambers, fittings and control devices" are inserted after the words "conduits and channels" at the end of the fourth line.

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Form 9 Version 3
Page 1 of 2



710227521

\$111.30

\$111.30

04/01/2007 08:25

1. BE 600

Mirose Pty Ltd ACN 010 278 118

Duty Imprint	
Queensland Duty Paid \$ 1.50	
On the Amount of \$ 1.00	Duty Code TLEH
13A/BNE: 16447 Transaction Number	76/06
Signed: sch4p4(6) Personal information	25/10/06

Lodger (Name, address & phone number)

Lodger

s.78B(2)

Code

GPO Box 458

463

Brisbane Qld 4001

Tel: (07) 3229 4408

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land)			
Easement Q in Lot 2 on SP 182880	March	Tewantin	50600241
Easement R in Lot 2 on SP 182880	March	Tewantin	50600241
* Dominant Tenement (benefited land)			(new title to issue)
N/A			

3. Interest being burdened

Fee Simple

*4. Interest being benefited

N/A

* not applicable if easement in gross

5. Grantee Given names Surname/Company name and number (include tenancy if more than one)
Council of the Shire of Noosa

6. Consideration

\$1.00

7. Purpose of easement

Sewerage and Water Supply

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of standard terms document number 701792601 (Sewerage) and 701792591 (Water Supply) as varied by the terms and conditions contained in the attached Schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Execution Date

Grantor's Signature

3 / 10 / 06

Mirose Pty Ltd ACN 010 278 118

sch4p4(6) Personal information

Director

sch4p4(6) Personal information

sch4p4(6) Personal information

Director/Secretary

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Witnessing Officer

Execution Date

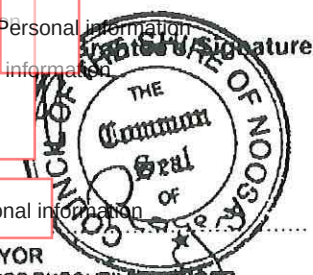
signature

10 / 10 / 06

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994
eg Legal Practitioner, JP, C Dec)



MAYOR
A/CHIEF EXECUTIVE OFFICER

Title Reference 50600241

Standard Registered Easement Document Nos. 701792601 and 701792591 are amended as follows:

A. The following clauses are inserted:

"1 GRANTEE'S COVENANTS

1.1 Notwithstanding anything else herein contained or implied in this Easement, the Grantee must:

1.1.1 At all times exercise the right granted by this Easement in a proper manner and so as to cause as little inconvenience as possible; and

1.1.2 Within a reasonable time, repair (at its cost) and make good any damage caused by the Grantee to the Servient Tenement and any improvements thereon in the course of the Grantee's exercise (or purported exercise) of the right granted by this Easement."

2. IMPROVEMENTS

2.1 The Grantee acknowledges the existence of the roof overhang at RL17.03m AHD which is located above the Servient Tenement at the date of this Easement (and which are identified as existing in the Servient Tenement on the Easement Plan 182880)."

B. The words "and associated structures, access chambers, fittings and control devices" are inserted after the words "conduits and channels" at the end of the fourth line.

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Form 9 Version 3
Page 1 of 2

Duty Imprint



710227522

710227522

\$111.30

\$111.30

04/01/2007 08:25

BE 600

Mirose Pty Ltd ACN 010 278 118

Queensland Duty Paid \$11.50	Duty Code TLEW
On the Amount of \$ 1.00	98106
13A-DNE:16447 Transaction Number	25/10/06
Sch4p4(6) Personal information	

Lodger (Name, address & phone number)
sch4p4(6) Personal information
GPO Box 458
Brisbane Qld 4001
Tel: (07) 3229 4408

Lodger Code
463

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land)			
Easement T in Lot 2 on SP 182880	March	Tewantin	50600241
Easement U in Lot 2 on SP 182880	March	Tewantin	50600241
Easement V in Lot 2 on SP 182880	March	Tewantin	50600241
* Dominant Tenement (benefited land)			(new title to issue)
N/A			

3. Interest being burdened
Fee Simple

4. Interest being benefited
N/A

* not applicable if easement in gross

5. Grantee Given names Surname/Company name and number (include tenancy if more than one)
Council of the Shire of Noosa

6. Consideration
\$1.00

7. Purpose of easement
Drainage

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of standard terms document number 701792597 as varied by the terms and conditions contained in the attached Schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Execution Date

Grantor's Signature

3 / 10 / 06

Mirose Pty Ltd ACN 010 278 118

sch4p4(6) Personal information

Director sch4p4(6) Personal information

sch4p4(6) Personal information

Director/Secretary

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Witnessing Officer

Execution Date

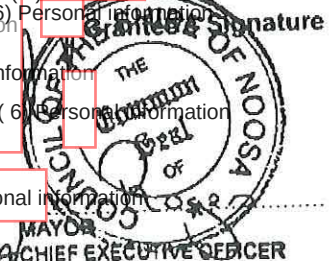
10 / 10 / 06

signature

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)



Title Reference 50600241

Standard Registered Easement Document No. 701792597 is amended as follows:

A. The following clause is inserted:

"1 **GRANTEE'S COVENANTS**

1.1 Notwithstanding anything else herein contained or implied in this Easement, the Grantee must:

- 1.1.1 At all times exercise the right granted by this Easement in a proper manner and so as to cause as little inconvenience as possible; and
- 1.1.2 Within a reasonable time, repair (at its cost) and make good any damage caused by the Grantee to the Servient Tenement and any improvements thereon in the course of the Grantee's exercise (or purported exercise) of the right granted by this Easement."

3. The Grantor covenants and agrees that the Grantee may discharge rain and stormwater from the adjoining road system onto the Servient Tenement whereupon the Grantor undertakes to operate and maintain a stormwater disposal system which is to the standards and requirements of the Grantee.

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Form 9 Version 3
Page 1 of 1



710227524

\$111.30

\$111.30

04/01/2007 08:26

BE 600

Mirose Pty Ltd ACN 010 278 118

Duty Imprint

Queensland Duty Paid \$ 1.50	Duty Code <i>TRH</i>
On the Amount of \$ 1.00	Transaction Number 89/06
sch4p4(6) Personal information 03/10/06	

Lodger (Name, address & phone number)
sch4p4(6) Personal information
GPO Box 458
Brisbane Qld 4001
Tel: (07) 3229 4408

Lodger Code
463

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land)			
Easement M in Lot 2 on SP192396 <i>on SP182880</i>	March	Tewantin	50600241
Easement N in Lot 2 on SP192396 <i>on SP182880</i>	March	Tewantin	50600241
*Dominant Tenement (benefited land)			

* not applicable if easement in gross

3. Interest being burdened
Fee simple

4. Interest being benefited
Not Applicable
* not applicable if easement in gross

5. Grantee Given names Surname/Company name and number (include tenancy if more than one)
Energex Limited A.C.N. 078 849 055

6. Consideration
\$1.00

7. Purpose of easement
Electricity Services

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of document no. 708346714.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Witnessing Officer (6) Personal information

Execution Date

Mirose Pty Ltd ACN 010278118

Grantor's Signature

sch4p4(6) Personal information

... signature

28/9/06

Director

sch4p4(6) Personal information

full name

sch4p4(6) Personal information

Secretary

Solicitor

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Witnessing Officer

Execution Date

Grantee's Signature

sch4p4(6) Personal information

signature

09/9/06

full name

Energex Limited ACN 078 849 055
by its constituted Attorney Kenneth Ross Pollock
Network Development and Property Manager under
Power of Attorney No. 709874834

C. DEL 80227

qualification

sch4p4(6) Personal information

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

NO..... **H 496989**

TRANSFER OF EASEMENT

s.78B(2)

B.G. HARTWIG AND CO. PTY.
LIMITED

Grantors

COUNCIL OF THE SHIRE OF NOOSA



602533548

H49699 EAS IN GROSS

Particulars entered in the Register

Book Volume **5103** Folio **58**

this day of

1983.

Plan
Noted.

19 AUG 1983 (6) Personal information
at 8.00 sch4p4(6) Personal information
Registrar of Titles

52399

\$ 42

Plan 123 101

(H49699)

RECEIVED
REG. OF TITLES
AUG 4 3 48 PM '83

MEMORANDUM OF ENCUMBRANCES LIENS AND

INTERESTS

Stamp Duties Office

26 JUL 1983

— BRISBANE —

19.8.83
CANNAN & PETERSON
per **EDM**
SOLICITORS FOR
PURCHASER
GRANTOR
MORTGAGEE
APPLICANT

SYKES NEILSON & CO.

SOLICITORS

GYMPIE. sch4p4(6) Personal information

CANNAN & PETERSON
WTR

QUEENSLANDTRANSFER OF EASEMENT

sch4p4(6) Personal information

and B.G. HARTWIG AND CO. PTY.

sch4p4(6) Personal information

LIMITED (hereinafter called "the Grantors") being the registered proprietors as tenants in common in shares of one-quarter, one-quarter and one-half respectively of an estate in fee simple SUBJECT HOWEVER to such encumbrances liens and interests as are notified by memorandum endorsed hereon in all that piece of land situated in the County of March Parish of Tewantin and described in the First Schedule hereunder:-

#27/07/83 R/N1603930

K BRIS

STAMP DUTIES OFFICER

3110033 31

\$ 1.50

FIRST SCHEDULE

Certificate of Title Volume	Folio	Description	Area
5103	58	Portion 29	96.24 hectares exclusive of 1.224 hectares for a surveyed road

IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) agreed to be paid to the Grantors by COUNCIL OF THE SHIRE OF NOOSA of Tewantin in the State of Queensland (hereinafter called "the Grantee") DO HEREBY GRANT AND TRANSFER to the Grantee its successors and assigns the full and free right and liberty at all times hereafter and from time to time to have, lay, construct and thereafter forever to use and maintain through under over and above that part of the aforesaid piece of land situated in the County of March Parish of Tewantin and described in the Second Schedule hereunder:-

SECOND SCHEDULE

Certificate of Title Volume	Folio	Description	Area
Part of C/T 5103	58	Easement A in Portion 29 on Registered Plan No. 183901	3202 square metres

(which land in the Second Schedule is hereinafter referred to as "the said land") drains, pipes, sewers and pumping station for the purpose of the passage or conveyance of sewerage, sewage, foul liquids or nightsoil and for the purposes aforesaid and for the purpose of obtaining access to the said drains, pipes, sewers and pumping station and for the purposes of changing the size and number of such drains, pipes, sewers and pumping

sch4p4(6) Personal information

sch4p4(6) Personal information

File F sch4p4(6) Personal information

station as aforesaid, full free and uninterrupted right and liberty at all times by day and by night and from time to time to enter upon, to go, pass and repass over, along and under the said land or any part or parts thereof with or without surveyors, engineers, servants, agents, licensees, contractors, subcontractors, workmen and others authorised by the Grantee and with or without any necessary equipment for the purposes aforesaid and to dig into, erect scaffolding upon and to open and break up the soil of the said land or any part or parts thereof, and to bring and place in and upon the said land or any part or parts thereof such materials, machinery, equipment, tools and articles as may be necessary or incidental to any of the purposes aforesaid;

AND THE GRANTORS HEREBY COVENANT WITH THE GRANTEE that the Grantors shall not nor will at any time build upon the said land or any part or parts thereof or use the said land in such a way as to obstruct or interfere with the said drains, pipes, sewers or sewerage pumping station and the proper and effective use thereof by the Grantee.

AND THE GRANTORS AND THE GRANTEE AGREE that this Easement shall bind their executors, administrators, successors in title and assigns.

IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and seals the day and year hereunder written.

SIGNED, SEALED AND DELIVERED by)
the said sch4p4(6) Personal information)
and sch4p4(6) Personal information *as Grantors*)
this)
fourth day of)
March 1983 in the)
presence of:)

sch4p4(6) Personal information

sch4p4(6) Personal information

A JUSTICE OF THE PEACE

as Grantors
RD & THE COMMON SEAL of B.G. HARTWIG)
AND CO. PTY. LIMITED was hereto)
affixed pursuant to a resolution)
of the Board of Directors this)
fourth day of *March* 1983,)
in the presence of:)



sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Witness: sch4p4(6) Personal information

A JUSTICE OF THE PEACE

AS GRANTEE

THE COMMON SEAL was hereunto
affixed by authority of a
resolution of COUNCIL OF THE
SHIRE OF NOOSA by the Shire
Chairman WEHL HUBERT WANSLEY
and the Shire Clerk DANIEL
JOHN PHILPOT this *ninth*
day of *March* 1983.

sch4p4(6) Personal information
sch4p4(6) Personal information



sch4p4(6) Personal information
sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

A JUSTICE OF THE PEACE

CORRECT FOR THE PURPOSES OF REGISTRATION
sch4p4(6) Personal information

sch4p4(6) Personal information

SOLICITORS FOR THE GRANTORS

sch4p4(6) Personal information

sch4p4(6) Personal information

SOLICITORS FOR THE GRANTEE

Appendix 4

Covenant Documentation

Published on DES Disclosure Log
RTI Act 2009

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

COVENANT

Form 31 Version 2
Page 1 of 6



BE 616

710055589
710227518
\$111.30
\$111.30
04/01/2007 08:24

Lodger (Name, address & phone number)

s.78B(2)

Lodger
Code

463

82 Eagle Street
Brisbane 4001
QLD

Mirose Pty Ltd ACN 010 278 118

2. Description of Covenant / Lot on Plan	County	Parish	Title Reference
Covenant I in Lot 2 on SP182845	March	Tewantin	50600241 (new Title to issue)
Covenant J in Lot 2 on SP182845	March	Tewantin	50600241 (new Title to issue)
Covenant K in Lot 2 on SP182845	March	Tewantin	50600241 (new Title to issue)
Covenant L in Lot 2 on SP182845	March	Tewantin	50600241 (new Title to issue)

3. Covenantee

Council of the Shire of Noosa

4. Description of Covenant (include reference to relevant section of legislation)

Pursuant to sections 97A(3)(a)(i) and 97A(3)(b) of the Land Title Act 1994, the Covenant is to *preserve the native vegetation on the land* of the lots described in Item 2 in the manner set out in the attached Schedule. *sch4p4(6) Personal information*

5. Execution

The Covenantor being the registered owner of the lot described in item 2 covenants with the Covenantee in respect of the covenant described in item 4 and the attached schedule.

Witnessing officer must be aware of his/her obligations under section 161 of the Land Title Act 1994

Witnessing Officer

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

SOLICITOR

Execution Date

14, 8, 06

Covenantor's Signature

Mirose Pty Ltd ACN 010 278 118

sch4p4(6) Personal information

sch4p4(6) Personal information

Director

sch4p4(6) Personal information

Director/Secretary

sch4p4(6) Personal information

Witnessing Officer

Execution Date

3/11/06

Covenantee's Signature

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

N/CFO

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner JP C Dec)

A/0608013h.doc

This is the Schedule referred to in the Form 31 Covenant dated the 3rd day of October 2006.

1. **Purpose**

sch4p4(6) Personal information

This Covenant is entered into between the Covenantor and Covenantee pursuant to sections 94A(3)(a)(i) and 97A(3)(b) of the *Land Title Act 1994* for the purpose of the ~~conservation~~ **Preservation** of the existing native vegetation in the lots described in Item 2 of the Form 31 Covenant.

sch4p4(6) Personal information

2. **Interpretation**

The Covenantor and the Covenantee agree that the intent of this Covenant is to ensure that the Native Vegetation on the Native Vegetation Area is maintained, and the Covenantor and the Covenantee agree that this Covenant is to be interpreted, performed and applied accordingly.

3. **Definitions**

In this Covenant: -

"Approved Plans" means any plans approved by the Covenantee at the date of this Covenant or in the future regarding the Land.

"Building" means a fixed structure that is either wholly or partly enclosed by walls and is roofed and includes any part of a building.

"Covenantee" means the Council of the Shire of Noosa and its successors.

"Covenantee's Agents" includes the Covenantee's elected members and officials together with the Covenantee's relevant agents, employees, contractors and subcontractors

"Covenantee's Right of Access" means the rights set out in Clause 5 of this Covenant.

"Covenantor" means the registered proprietor of the Land and its successors in title, transferees and assignees.

"Covenantor's Obligations" means the obligations set out in Clause 4 of this Covenant.

"Declared and Undesirable Plants" means any vegetation declared by any legislation with jurisdiction in the State of Queensland, and any species defined as undesirable by the Noosa Council through either a Planning Scheme Policy or an adopted Pest Management Plan.

"Dividing Fences" has the same meaning as in the *Dividing Fence Act 1953*.

"Erect" includes erect, construct, make or place and also includes commencing or continuing the erection, construction, making or placing.

"Land" means the property described in Item 2 of the Covenant and any land created in lieu thereof by registration of any plan and howsoever described.

"Management Plan" means all management plans approved by the Covenantee from time to time affecting the Native Vegetation Area of the Land including but without limitation: -

- (a) Environmental Management Plan
- (b) Site Rehabilitation Plan
- (c) Stormwater Management Plan
- (d) Bushfire Management Plan

sch4p4(6) Personal information

"Native Vegetation Area" means the part of the Land depicted on the Survey Plan as being subject to the Covenant described in Item 2 of the Form 31 Covenant.

"Native Vegetation" means the native trees, bushes, plants, shrubs, flowers, grasses, algae and fungi, but does not include Declared and Undesirable Plants.

"Structure" includes any Building, wall, fence (other than a Dividing Fence), pillar, pipe, drain, conduit, post, roadway or path or other structure or erection.

"Survey Plan" means Plan SP182845.

4. Covenantor's Obligations

4.1. The Covenantor covenants and agrees with the Covenantee that the Native Vegetation Area will be protected, preserved and conserved by the Covenantor to the satisfaction of the Covenantee. Without limiting the generality of the preceding, the Covenantor agrees that: -

- (a) No living or dead vegetation now existing or hereafter existing in the Native Vegetation Area, will be trimmed, pruned, cut down, damaged, destroyed, mowed, harvested, picked or removed from the Native Vegetation Area unless approved by the Covenantee. However, in accordance with the Letter of Undertaking dated September 28, 2006 provided by Energex Limited ("Energex") to the Covenantor (a copy of which is attached as "Annexure 'A'"), the Covenantee acknowledges that Energex may be required in situations of emergency to clear part of the Native Vegetation Area which is subject to Energex's Easement for electricity services purposes without obtaining the Covenantee's prior approval subject to Energex causing as minimal disturbance as possible to the Native Vegetation Area. In any event, the Covenantor will reinstate, repair and make good any damage caused to the Native Vegetation Area (and any Native Vegetation) within a reasonable time;
- (b) No fixtures or improvements including Buildings or other Structures other than Structures approved in the Management Plan, the Master Plan (Map SBC (MP2 Plan)) or Approved Plans or previously approved by the Covenantee in writing will be erected in the Native Vegetation Area;
- (c) No trail, path, access or other way (other than those approved in the Management Plan, the Master Plan (Map SBC (MP2 Plan)) or Approved Plans or by the Covenantee) will be made laid out or erected in the Native Vegetation Area;
- (d) No fill, soil, rock, rubbish, ash, garbage, waste or other material foreign to the Native Vegetation Area will be deposited in or on the Native Vegetation Area other than mulch for the better growing of the vegetation in the Native Vegetation Area;
- (e) No other acts will be carried out in or in respect of the Native Vegetation Area which, in the opinion of the Covenantee, acting reasonably, may have a detrimental impact on the Native Vegetation Area;
- (f) The Covenantor will be responsible for the ongoing control and eradication of Declared or Undesirable Plants on the land; and
- (g) The Covenantor will adhere to the Management Plan.

4.2. Notwithstanding clause 4.1(a), if any living or dead vegetation on the Land (including the Native Vegetation Area) poses a risk to human safety: -

- (a) The vegetation may be cut down or trimmed with the prior written consent of the Covenantee, which will not be unreasonably withheld, so as to remove the risk; and
- (b) Unless it would, in the Covenantee's reasonable opinion, constitute a fire hazard, the cut vegetation or trimmings must be left on the Land so that natural regeneration processes may occur.

4.3. Notwithstanding clause 4.1, the Covenantor may undertake works in the Native Vegetation Area with the prior written consent of the Covenantee, which is not to be unreasonably withheld.

5. Covenantee's Rights of Access

The Covenantor hereby expressly authorises the Covenantee, at any reasonable time, to: -

- (a) Enter, re-enter, and traverse the Native Vegetation Area;
- (b) Enter, re-enter, and traverse that part of the Land that is reasonably required in order to enter, re-enter, and traverse the Native Vegetation Area; and
- (c) Inspect, test and monitor the Native Vegetation Area and Native Vegetation on the Native Vegetation Area.

6. Covenantee May do Work

The Covenantee may, at any reasonable time carry out any planting, replanting, rehabilitation or remedial work in the Native Vegetation Area so as to restore any Native Vegetation harmed or damaged, for whatever reason, to a state as near as is practical to the state prior to such damage or harm.

7. Remedy for Non-Compliance

- 7.1. In the event of non-compliance by the Covenantor with the Covenantor's obligations contained in this Covenant, the Covenantee may, in its absolute discretion, issue a written direction requiring the Covenantor to remedy the non-compliance.
- 7.2. Where the Covenantee issues a written direction pursuant to clause 7.1, the Covenantor shall comply with the direction within 14 days of the issue of the direction or such other reasonable time as may be specified in the direction.
- 7.3. In the event that the Covenantor fails to comply with the written direction within the time allowed in accordance with clause 7.2, the Covenantee may enter the Covenant Area, perform the work required to ensure compliance by the Covenantor with the Covenantor's obligations and recover the costs of performing the work from the Covenantor as a debt payable on demand.

8. Release and Indemnity

The Covenantor irrevocably releases the Covenantee from and waives any right, claim, remedy, action, cause of action, loss, damage, expense or liability which the Covenantor may have against it in respect of this Covenant or its performance or breach. The Covenantor hereby indemnifies and holds the Covenantee harmless from and against any claim, right, action, remedy, cause of action, loss, damage, expense or liability incurred, suffered or asserted by it or anyone else in connection with the performance of this Covenant by the Covenantor or its breach by the Covenantor or in connection with any negligence or other legal wrong of the Covenantor.

The Covenantor agrees with the Covenantee that the Covenantor is, as between the Covenantor and the Covenantee, the sole occupier of the land.

9. No Obligations on Covenantee

The rights given to the Covenantee by this Covenant are permissive only and nothing in this Covenant imposes any duty of any kind on the Covenantee to anyone or obliges the Covenantee to perform any act or incur any expense for any of the purposes set out in this Covenant.

10. No Effect on Rates and Charges

Nothing in this Covenant or itself affects any obligations of the Covenantor to pay all taxes, rates, charges and levies lawfully imposed in respect of the Land.

11. Registration

The Covenantor agrees to do everything necessary at the Covenantor's expense to ensure that this Covenant is registered against the title to the Land.

12. **Severance**

If any part of this Covenant is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered severed from the rest of this Covenant and the rest of this Covenant remains in force and unaffected by that holding or by the severance of that part.

13. **Enurement**

This Covenant binds the parties to it and their respective successors and administrators.

14. **Conflict**

14.1 In the event of any conflict between the obligations placed on the Covenantee in clauses 4.1(a) - 4.1(f), inclusive and clause 4.1(g), clause 4.1(g) will prevail to the extent of any inconsistency.

14.2 Nothing in this Covenant will limit any right given to the Covenantee pursuant to any easement granted to or that benefits the Covenantee in the Native Vegetation Area registered before or after the creation of this Covenant.

Published on DES Disclosure Log
RTI Act 2009

ANNEXURE A

28 September 2006



The Directors
Mirose Pty Ltd
PO Box 3144
SOUTH BRISBANE QLD 4101

Attention: sch4p4(6) Personal information

sch4p4(6) Personal information

Noosa Civic - Easements M and N on SP192396

We refer to our meeting today regarding the above matter and ENERGEX easement requirements for the project.

Whilst ENERGEX is not willing to alter our standard easements, we are prepared to provide the following comments and/or undertakings:-

- Access to the easement area to remove vegetation will only occur under emergency situations and the registered proprietor of the property or Noosa Shire Council will be responsible for reinstatement of the area to its prior condition.
- ENERGEX acknowledges that there are other existing services in the easement and that the current ENERGEX standards for separation will be followed.

The supply of electricity to the proposed development cannot occur until the following has occurred:-

- Easement documents in accordance with ENERGEX's standard easement conditions are executed by both parties
- All necessary consents are obtained and copies provided to ENERGEX.
- Undertaking to register the easements without delay and attend to any requisitions within 3 business days.
- Agreement to the terms and conditions of this letter.

Once this has been completed, ENERGEX will require up to 7 business days notice for switching and final connection. Please call me on 3407 4667 if you have any questions regarding the above matter.

Yours sincerely

sch4p4(6) Personal information

sch4p4(6) Personal information

Network Property Specialist

**Enquiries**

sch4p4(6) Personal information

Telephone

(07) 3407 4667

Facsimile

(07) 3407 4144

E-mail

sch4p4(6) Personal information

Corporate Office

160 Charlotte Street

Brisbane Qld 4000

GPO Box 1461

Brisbane Qld 4001

Telephone (07) 3407 4000

Facsimile (07) 3407 4656

www.energex.com.au

ENERGEX Limited

ABN 40 074 840 065

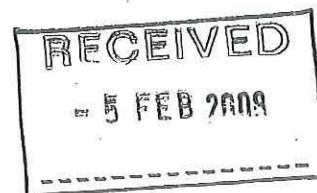
Appendix 5

Notice of Land Listed on Environmental Land Register

Published on DES Disclosure Log
RTI Act 2009

29 January 2008

Site ID: 78766
File Number: BNE35046
Enquiries to: Contaminated Land Unit
Telephone: (07) 322 58487



MIROSE PTY LTD
PO BOX 3144
SOUTH BRISBANE QLD 4101

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 2 Plan: SP182880
NOOSA SHIRE COUNCIL

28 EENIE CREEK ROAD
NOOSAVILLE QLD 4565

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

SERVICE STATIONS - operating a commercial service station.

The owner may apply for a review of the decision to record the land in the EMR within 14 days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

- a notice of the application (the "review notice");
- a copy of the application and supporting documents.

The review notice must inform the local government that submissions on the application may be made within 7 days after the application is made to the EPA, as required by section 521(4) of the *EP Act*. A land owner dissatisfied with a review decision may appeal against the decision in accordance with section 531 of the *EP Act*. A copy of sections 521 and 531 is attached to this notice.

Please note that the listing of a site on the EMR does not imply that the EPA considers the site to be "contaminated", nor does it require that the land be investigated and remediated. The listing does not imply that this site is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Environmental Authority issued for this site. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use. In the event that the site is redeveloped, the EPA may require that remediation or management of any contamination be conducted to protect public health and the environment.

Appendix 6

Cultural Heritage Search

Published on DES Disclosure Log
RTI Act 2009

From: Francis Vanessa [Vanessa.Francis@nrw.qld.gov.au]

Sent: Wednesday, 21 November 2007 8:35 AM

To: sch4p4(6) Personal information

Subject: Cultural Heritage Search - 28 Eenie Creek Road, Noosaville

I refer to your application in which you requested advice on Aboriginal cultural heritage places recorded on the above location.

I wish to advise that no Aboriginal cultural heritage is recorded on the Cultural Heritage Database and Register in your specific search area, from the data provided by you. However, it is probable that the absence of recorded Aboriginal cultural heritage places reflects a lack of previous cultural heritage surveys of the area. Therefore, our records are not likely to reflect a true picture of the Aboriginal cultural heritage values of the area.

All significant Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorized harm. Under the legislation a person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in a official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage, which may occur on the subject property, is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* even if Natural Resources & Water has no records relating to it.

Please refer to our website www.nrw.qld.gov.au/cultural_heritage/index.html for a copy of the gazetted Cultural Heritage duty of care guidelines, which set out reasonable and practical measures for meeting the duty of care. The Aboriginal party(s) for the area is:

QC99/35 - Q6034/99

Gubbi Gubbi People #2

sch4p4(6) Personal information

Should you have any further queries, please do not hesitate to contact me on (07) 3238 3839.

Kind Regards

Vanessa Francis
A/Policy Officer | Cultural Heritage Coordination Unit
Department of Natural Resources and Water

Level 5 Landcentre | Cnr Main & Vulture Sts | Gabba Q 4102
P 323 83839 | F 323 83842 | www.nrw.qld.gov.au

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

Published on DES Disclosure Log
RTI Act 2009



Form

Contaminated land

Notification of land

This form should be used by people providing notification to the administering authority of contaminated land or land use for a notifiable activity in accordance with schedule 3 of the Environmental Protection Act 1994. This form relates specifically to sections 371 and 372 of the Environmental Protection Act 1994.

NOTE: You must complete all questions below and use a separate form for each lot.

1. Person making notification

NAME sch4p4(6) Personal information	TELEPHONE (02) 8885 1822
COMPANY/ORGANISATION Woolworths Limited	
POSTAL ADDRESS Att: Heather Izard PO Box 8000 Baulkham Hills NSW 2153	
EMAIL sch4p4(6) Personal information	FACSIMILE (02) 8888 1822

2. Site details

2.1. Name by which the property is known locally?

Woolworths Petrol Noosaville

2.2. Please provide details of the Lot on Plan to which the notification applies

Please note that a separate notification form must be used for each Lot on Plan.

FULL STREET ADDRESS OF THE SITE 28 Eenie Creek Road Noosaville 4566	
LOT(S) 2	PLAN(S) SP 182880
LOCAL GOVERNMENT AUTHORITY Sunshine Coast Council	

Already listed
Site ID 78766
DB 29/3/2011

2.3. Area of land parcel in square metres? 1400 m²



Notification of Land

2.4. Describe the notifiable activity/ies for which the land is or has been used and the source/s of the suspected contamination. List all notifiable activities that the land has been used for and provide details.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

A petrol station including an underground storage tank with a capacity of more than 200L is located on the site. Pursuant to Schedule 3, Item 29 ('Petroleum product or oil storage') of the Environment Protection Act 1994 (Qld) a notifiable activity is carried out on the site.

2.5. Has a map or locality plan been attached to this notification?

The processing of this information is greatly assisted by the inclusion of a map or locality plan that shows the respective Lot.

☐ NO

☒ YES

3. Details of land owner

NAME Mirose Pty Limited	TELEPHONE 07 5440 7900
POSTAL ADDRESS PO Box 2075 Noosaville 4566	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 5440 7999

4. Declaration

Please read the certification below before signing.

- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE sch4p4(6) Personal information	DATE 25.03.2011
---	--------------------

You may apply for exemption from disclosing information contained in a document submitted, or proposed to be submitted with this notification (see section 564 of the *Environmental Protection Act 1994*)

5. Applicant checklist

- ☒ Notifying person's details correct.
- ☒ Notification form completed and signed.
- ☒ Supporting information attached.

Please return the completed notification to:

Contaminated Land Unit
Department of Environment and Resource Management
Level 8, 400 George Street
GPO Box 2454
Brisbane Queensland 4001

Enquiries: (07) 3330 5685
Facsimile: (07) 3330 5754

Woolworths Petrol Noosaville

28 Eenie Creek Road, Noosaville





Project Running Report

Project Ref 320564	Project Name Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd	Status Active	Project Director CONNOR, Andrew	Project Manager STIRRAT, Simon	Office Responsible ES - Reg Serv - Bne North - Bne
------------------------------	---	-------------------------	---	--	--

Assessing Officers

Name

Applications: 3

Date 24-DEC-2007	Status Assessment	Decision Level 2
----------------------------	-----------------------------	----------------------------

Primary Clients

Name	Address Line 1	Address Line 2	Suburb	Postcode	State
WA Stockwell Pty Ltd	C/- Stockwell Building and Development	PO Box 3144	SOUTH BRISBANE	4101	QLD

Primary Contact

Name	Contact Number
Noosa Shire Council	5449 5200

Activities

Name
Advice - MCU of land in or within 100m of a wetland

15/9/08

sch4p4(6) Personal information



Alex,
make file
alex

sch4p4(6) Personal information



Project Running Report

Date 12-SEP-2008 **Status** Application Validation **Decision** Level 2

Notifiable activity or industrial activity

Locations

Name	Address Line 1	Address Line 2	Suburb	Postcode	State
28 Eenie Creek, Noosaville 4566	28 Eenie Creek RD		NOOSAVILLE	4566	QLD

Agency Interests/Ratings

Category	Type	Rating
----------	------	--------

Permits: 1

Permit Ref	Permit Type	Status
IPCL01197308	Concurrence Response for a MCU involving contaminated land	Assessment

Date 12-SEP-2008 **Status** Application Validation **Decision** Level 2

Primary Clients

Name	Address Line 1	Address Line 2	Suburb	Postcode	State
WA Stockwell Pty Ltd	C/- Stockwell Building and Development	PO Box 3144	SOUTH BRISBANE	4101	QLD

Activities

Name
Advice - MCU of land in or within 100m of a wetland

Bring Up Details Report

320564 - Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd

Ref:	36143	Created Date:	15-SEP-08
Status:	Submitted	Closed Date:	
Assigned To:	BARRY, Kim	Due Date:	16-SEP-08
Email Address:	Kim.Barry@epa.qld.gov.au	Reminder Date:	
Project Director:			
Project Manager:			
CC:	HARDEN, John		
CC:			
Subject:	da application with advice agency		
Comments:	<p>PROJECT 320564 PERMIT ipcl01197308 and ipar01197408 CLIENT 607703</p> <p>Dear Kim</p> <p>An application has been received for a Development Approval. You have been appointed as the Project Director, please appoint a Project Manager. The due date is 260908, which can be extended by another 10 business days by notice to the applicant. The DA Application will be forwarded to the Contaminated Land Unit on the 160908.</p> <p>please note this application triggers advice agency.</p>		

BNE 38522

Lucke Gavin

From: Fyfe Emily on behalf of Contaminated Land
Sent: Thursday, 15 March 2012 3:25 PM
To: Lucke Gavin
Subject: FW: Gavin Ref No. 78766 Part 1
Attachments: Decision Notice 06.08.09.pdf; Amended SP246584 with encumbrance allocations.pdf; L to EPA registration confirmation 13.03.2012.pdf

Emily Fyfe

Administration Officer
 Contaminated Land Unit
 Enforcement Services
Telephone: 07 3330 5632
E-mail: Emily.Fyfe@derm.qld.gov.au
www.derm.qld.gov.au
 Department of Environment and Resource Management
 Level 7, 400 George Street BRISBANE Q 4000
 GPO Box 2454 BRISBANE Q 4000



base parcel
 L2 SP182880

From: sch4p4(6) Personal information
Sent: Tuesday, 13 March 2012 4:05 PM
To: Contaminated Land
Subject: ATT: Gavin Ref No. 78766 Part 1

Hi Gavin,

As discussed please find attached letter confirming registration of Lot 4 SP246584 and requesting the removal of Lot 4 off the EMR.

Regards,

sch4p4(6) Personal information
 DEVELOPMENT MANAGER

t 07 3004 6858 | f 07 3004 6899 | m sch4p4(6) Personal information | e sch4p4(6) Personal information

www.stockwell.com.au

399 Montague Rd PO Box 3144
West End QLD 4101 South Brisbane QLD 4101

DEVELOPMENT

PROPERTY MANAGEMENT

DESIGN & CONSTRUCTION

This email message is intended only for the addressee(s) and contains information which may be confidential. If you are not the intended recipient please do not read, save, forward, disclose, or copy the contents of this email. If this email has been sent to you in error, please delete this email and any copies or links to this email completely and immediately from your system.

Any images contained in this message are owned by another party and protected by copyright. You do not have the right to use this image unless you have been given the express written permission to do so by Stockwell. By opening the image, you acknowledge that you have read this message and agree to these terms.

Published on DES Disclosure Log
RTI Act 2009

W.A. STOCKWELL PTY LTD

399 Montague Rd
West End QLD 4101

PO Box 3144
South Brisbane QLD 4101

t 07 3004 6888

f 07 3004 6899

www.stockwell.com.au

ABN 50 010 095 360

18 November 2011

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001

Dear Sir/Madam,

Re Registration confirmation of Lots 3 & 4 and Covenant Y on SP246584, 28 Eenie Creek Road Noosaville.

We wish to advise that in accordance with Decision Notice 2008/751 to Reconfigure a Lot – 1 lot into 2 Lots on land at 28 Eenie Creek Road Noosaville, Lot 2 on SP182880 has been cancelled and Lots 3 & 4 on SP246584 have been endorsed by Council.

It is a requirement of the Decision Notice that we provide a copy of the registered plan to the EPA as concurrence agency to enable the removal of Lot 4 from the Environmental Management Register.

Please find attached the following for your reference:

1. Decision Notice dated 6th August 2009
2. Plan of Lots 3,4 and Covenant Y on SP246584

If further clarification is required please do not hesitate to contact myself on 0403181767 or (07) 30046858.

Yours faithfully,
W.A STOCKWELL PTY LTD

sch4p4(6) Personal information

Development Manager

Officer: Tracy Jones
Direct Telephone: (07) 5449 5228
Response Address: Locked Bag 72
Sunshine Coast Mail Centre QLD 4560
Email: tracy.jones@sunshinecoast.qld.gov.au
Our Reference: 2008/751
Your Reference:

6 August 2009

Stockwell Building & Development
PO Box 3144
SOUTH BRISBANE QLD 4101



Dear Sir/Madam

Decision Notice

Integrated Planning Act 1997

I refer to your application and advise that on 27 July 2009 Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

1 APPLICATION DETAILS

Application No: 2008/751
Street address: 28 Eenie Creek Road, Noosaville
Real property description: Lot 2 SP 182880
Planning Scheme: The Noosa Plan

2 DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot - 1 lot into 2 Lots

3 RELEVANT PERIOD OF APPROVAL

The relevant period for this Development Approval is identified in the Assessment Manager conditions.

4 ASSESSMENT MANAGER CONDITIONS

Approved Plans

- Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table and as may be amended by these conditions.

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

Page 1 of 14

Plan of Survey

2. Security in the form of a cash bond or trading bank guarantee to the sum of \$5,000 must be submitted, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works.
3. Pursuant to Section 3.5.21(2)(a) of the *Integrated Planning Act 1997*, the relevant period is two (2) years from the day this permit takes effect and ending on **27 July 2011** during which time all conditions must have been complied with, and the Plan of Survey lodged with Sunshine Coast Regional Council (Council) for endorsement.
4. In conjunction with the lodgement of the Plan of Survey for Council endorsement, legal documentation must be presented to Council and must be submitted in the correct form with the fees prescribed in Council's adopted fee schedule.
5. Pursuant to Section 3.7.3(3)(b) of the *Integrated Planning Act 1997*, all outstanding rates and charges due and payable to Sunshine Coast Regional Council in respect of the lots being reconfigured must be paid prior to endorsement of the Survey Plan.
6. Any changes required by Council's Solicitor must 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.

Road Dedication

7. Those parts of the subject site affected by the roundabout constructed at the southern corner of the proposed Lot 4 shall be dedicated to the public as road. The alignment of the frontage boundaries for proposed Lots 3 and 4 adjacent to the roundabout shall be:
 - 7.1. On the northern side of the roundabout and road tapers, 4.5 metres offset from the new kerb and channel, and
 - 7.2. On the eastern side of the roundabout sufficient to include the new footpaths and splitter islands in road reserve

Telecommunications

8. The requirements for TELECOMMUNICATION services shall be satisfied in relation to the provision of new telecommunications 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.

Electricity

9. 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.
 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.

Vegetation Protection & Preservation

10. The Private Open Space area - OS3 shall be protected by a registered Statutory Covenant (preservation of visual amenity), which shall ensure that the existing and restored native vegetation is maintained in accordance with the approved Site Rehabilitation Management Plan and to the satisfaction of Council. No public access is to be permitted through OS3, which is to be ecologically restored. OS3 is to be kept free from development infrastructure. The terms of the Statutory Covenant shall be approved by the Coordinator Planning Applications. The covenant is to be registered on title with the Department of Natural Resources and Water in conjunction with the sealing of the Survey Plan by Council. The costs associated with the preparation and registration of the covenant shall be borne by the applicant.
11. Existing trees on the site and within road reserves are to be retained, except where required to be removed due to building operations or the conduct of the approved use.

Environmental Weeds

12. 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. 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.

Water Supply and Sewer Mains

13. The applicant must provide reticulated water and sewerage to each lot within the development in accordance with the Noosa Plan, Council's water and sewerage design guidelines and the requirements of the Assessment Manager.
14. The applicant must provide water connections to the water reticulation system. Connections must extend to the property boundary and be metered. Where multiple units including leased buildings are served by a single service, multiple water meters to each individual unit or leased building shall be installed. These meters must be supplied and installed in accordance with Councils requirements.

Connection to a Council water main shall be undertaken by Council at the applicants expense.

15. The applicant must provide a reticulated sewerage system to connect all lots within the development site to Council's existing sewerage reticulation system in accordance with the Noosa Plan and Councils engineering design standards.
16. Any alteration of a public utility or other facility necessitated by development of the land or associated construction works either internal or external to the site shall be at the applicant's expense.

Service Easements (Sewer)

17. Registered easements are to be provided on the Plan of Survey over all sewerage mains located 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.
18. No building or other structure shall be constructed or encroach over an easement.

Earthworks

19. Earthworks required on site shall be carried out in accordance with Council's Planning Scheme Policy PSP5 – Engineering Design Standards, so as not to cause the additional ponding of water on any adjoining lands or the blockage of, or interference with, any natural watercourses.
20. Earthworks carried out on site shall not affect the structural integrity of any of the existing fences and/or structures and/or lands that border the development site. Fences that are affected shall be replaced prior to the Building Certifier issuing the Certificate of Classification.

Erosion and Sediment Control

21. 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.

General

22. 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.
23. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
24. The transportation of all materials to and from the site shall be undertaken in a manner such that no particle 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.

5 REFERRAL AGENCY CONDITIONS

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency	Referral Address
Easement & Substation	Advice	Energex	GPO Box 1461 BRISBANE QLD 4001
Contamination	Concurrence	Environmental Protection Agency	GPO Box 2771 BRISBANE QLD 4001

A copy of any referral agency conditions is attached.

6 APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

7 ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

1. For the purpose of these conditions, the following definitions apply:-
 - 1.1. 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*.

- 1.2. The **person acting on this permit** means any person or company who undertakes development pursuant to this permit
2. As the site is located below the 20m AHD and above the 5m AHD, any excavation works consisting of 100m³ or greater which extends below 5m AHD will need to be carried out in accordance with State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils*. In this regard, depending on the extent of excavations required, appropriate testing and supporting documentation prepared by a suitably qualified specialist may need to be submitted to Council for approval prior to obtaining a Development Permit for Operational Works.
 3. The application for a water connection must include appropriate hydraulic drawings for a separate domestic and fire main located outside the property boundary or alternatively a water metering service to the satisfaction of the assessment manager.
 4. 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
Shire Business Centre	1 x Lot	Shire Business Centre	2 x Lots
Development uses and quantities applicable to this land in accordance with Material Change of Use approvals issued per 22803 DA, 2007/1461 and 2008/1414 and subject to the Infrastructure Agreement for the Noosa Shire Business Centre dated 3 October 2003.			

5. 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.

Aboriginal Cultural Heritage Act 2003

There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* (ACH Act).

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage". It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the ACH Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3238 3838 to discuss any obligations under the ACH Act.

8 PROPERTY NOTES

Not Applicable.

9 PRELIMINARY APPROVAL OVERRIDING SCHEME

Not Applicable.

10 FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

11 SELF ASSESSABLE CODES

Not Applicable.

12 SUBMISSIONS

Not Applicable.

13 REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

14 RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

During the appeal period, you as the applicant may make written representations to Council about the conditions contained within the development approval. If Council agrees or part agrees with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will continue after Council makes its decision. (Refer to sections 3.5.17 and 3.5.18 of the *Integrated Planning Act 1997*).

15 OTHER DETAILS

Should you wish to obtain more information about Council's decision electronic copies are available on line at www.sunshinecoast.qld.gov.au, or at Council Offices.

Yours faithfully,

sch4p4(6) Personal information

Kerri Coyne

COORDINATOR PLANNING APPLICATIONS (NORTH)

Sunshine Coast
Regional Council

Referral Agency Conditions

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone (07) 3225 1827 Fax (07) 3247 3278
www.epa.qld.gov.au ABN 87221158786



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

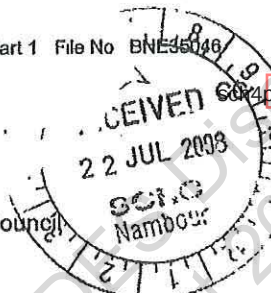
Notice of concurrence agency response Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997



S0010191

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, to advise you of a decision or action.

Enquires to Allen Johns
Telephone (07) 3224 5099
Your reference 2008/751
Our reference Appl'n 78766 Part 1 File No BNE35046



sch4p4(6) Personal information
Stockwell Pty Ltd
PO Box 3144
South Brisbane QLD 4101

Sunshine Coast Regional Council
Locked Bag 72 Mail Centre
NAMBOUR QLD 4560

Attention: sch4p4(6) Personal information

Re: Application (No. 2008/751) for development approval for assessable development to be carried out at 28 Eenie Creek Road NOOSAVILLE (Lot 2 on SP182880).

Pursuant to the following items of Table 2 Schedule 2 of the Integrated Planning Regulation 1998, the Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) is a concurrence agency for the development application:

- ☒ Item 21, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998
- ☐ Item 22, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

The EPA-CLU, acting as a concurrence agency under the Integrated Planning Act 1997, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided.

sch4p4(6) Personal information

Signed

sch4p4(6) Personal information
Delegate of Administering Authority
Environmental Protection Act 1994.

10/06/08
Date

Council Application Number	2008/751
EPA Application Number	78766 Part 1

Concurrence agency response
Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997

Applicant:	WA Stockwell Pty Ltd
Council Application Number:	2008/751
EPA Application Number:	78766 Part 1
Date application received by EPA:	20/05/2008
Relevant Laws and Policies:	Environmental Protection Act 1994
Jurisdiction:	Chapter 7, Part 8 Environmental Protection Act 1994

Development Description:

Reconfiguration of a Lot - 2 lots

where

- ☐ the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the Environmental Protection Act 1994
- ☐ the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity
- ☒ the land is on the Environmental Management Register or Contaminated Land Register under the Environmental Protection Act 1994,
- ☐ the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes
- ☐ the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued

at the following place(s):

23 Eene Creek Road NOOSAVILLE
 (Lot 2 on SP182880)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the Integrated Planning Act 1997, provides its response to the application detailed above

The concurrence agency response is that

- ☒ conditions must attach to any development approval
- ☐ any approval must be for part only of the development
- ☐ any approval must be a preliminary approval only
- ☐ there are no concurrence agency requirements
- ☐ the application must be refused

Page 2 of 3

Council Application Number	2008/751
EPA Application Number	70702 Part 1

Conditions of the development approval

The reconfiguration of the Lot 2 on SP182880 where the notifiable activity No. 34 - service station has been carried out must be in accordance with the proposed survey plan of Lots 3 & 4 plan drawing number 021434 01 prepared by Bennett & Francis Pty Ltd dated 13/3/2008

It is a requirement that the applicant notify the Environmental Protection Agency (EPA) (Contaminated Land Unit) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the EPA (Contaminated Land Unit) to enable the removal of proposed lot 4 from the Environmental Management Register (EMR)

Additional comments or advice about the application

The approval of the reconfiguration of the Lot 2 on SP182880 does not imply material change of use approval

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

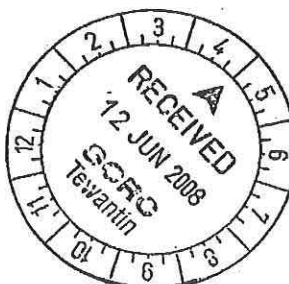
Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

11 June 2008

Stockwell
PO Box 3144
SOUTH BRISBANE 4101



Attention: (6) Personal information
sch4p4(6)

cc Sunshine Coast Regional Council
PO Box 141
TEWANTIN QLD 4565
Attention: Mark Lewis

Dear (6) Personal information
sch4p4(6)

Application for a Reconfiguring a Lot- Noosa Civic Stage Two located at 28 Eenie Creek Road, Noosaville; described as Lot 2 on SP182880.
Council ref: 2008/751
Our ref: HBD 734758 148970

We refer to your correspondence regarding the above application. ENERGEX Limited acting as an Advice Agency has **no objection** to the proposed Reconfiguration of a Lot, subject to the following conditions:

- All easement conditions must be maintained.
- Detailed Civil Design plans are required for any cut and fill on the easement; plans should include the location of the ENERGEX assets in relation to the proposed development.

Please note that all previous conditions must be adhered to and that ENERGEX may, at its discretion, audit the finished development to check that it conforms to the conditions of the development.

When considering construction work in the vicinity of ENERGEX assets, please be aware of the following general conditions:

- Satisfactory clearance from your proposed structure to the existing (and/or future) electricity wires must be maintained in accordance with the Electoral Safety Regulations 2002.
- No civil works are to occur within 5 metres of any part of an ENERGEX Structure (e.g.- tower base, pole or stay) without ENERGEX approval.
- If the minimum 5m horizontal separation to the ENERGEX structure cannot be achieved, the Developer must consult ENERGEX with regards to allowable construction methods. This may include full depth shoring of the excavation sides for a minimum of 5 metres either side of the structure.

Reference: HBD 734758 148970



Enquiries

(6) Personal information
Telephone
(07) 3407 4815
Facsimile
(07) 3407 4144
Email

sch4p4(6) Personal information

Corporate Office
150 Charlotte Street
Brisbane Qld 4000
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3407 4000
Facsimile (07) 3407 4609
www.energex.com.au

ENERGEX Limited
ABN 40 078 849 055

- Any excavations deeper than 5m must have a minimum horizontal separation from the excavation to any tower, base or pole at least equal to the excavation depth. The excavation is not to be left open overnight and backfill is to be compacted in 150mm layers in the immediate vicinity of the structure.
- 10 metres clear access must be provided around all towers and pole structures after the completion of any works on the easement.
- Natural ground level on the easement should not be disturbed without ENERGEX approval.
- Final ground levels should slope gently to the edge of the easement, surrounding area or kerb such that pooling of water on the easement is avoided and conductor ground clearances are not decreased.
- Stockpiling of spoil on the easement is prohibited.
- Lighting structures are not permitted in the easement without prior written consent of ENERGEX. Lighting designs for proposed developments (e.g. road, car parks etc) on the easement are likely to require reduced height structures. Please submit detailed design to ENERGEX for approval. These drawings must clearly show the following:
 - Proposed height of the lighting structures and the ground level at the structure base,
 - Relative (to lighting structures) ground levels at ENERGEX structures (towers, pole etc) either side of the lighting structures, and
 - The location of the ENERGEX structures in relation to the proposed lighting
- Underground services should be kept to the outer edge of the easement and any crossing of the easement should be clearly marked. Please submit the relevant design drawings to the Principal Mains Design Engineer for review. The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.
- Any cut in the vicinity of a structure or between a structure and the road kerb will need to be stabilised by a retaining wall. The retaining wall design and location is to be submitted to ENERGEX for approval.
- Access to the easement and access along the easement must be available to ENERGEX personnel and heavy equipment at all times. ENERGEX will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area. To enable travel along the easement at anytime the gates must be series locked with an ENERGEX padlock. Both the padlock and a design drawing of an acceptable gate will be provided by ENERGEX.
- Any costs incurred by ENERGEX as a result of the works on the easement are to be met by the property Developer / owner.
- At all times the following clearance must be maintained from the top of any machinery moving in the vicinity of energised conductors:
 - 132kV and 110kV conductors – 4.5m minimum clearance
 - 33kV and 11kV conductors – 3m minimum clearance

Reference: HBD734758 148970

- Should it be necessary to transport equipment or extend any equipment, such that these clearances cannot be confidently maintained, you are required to contact our office to ascertain whether a Safety Officer is required on-site. All operators of machinery are to be made aware of the presence of high voltage conductors.
- Any proposal for landscaping on the easement must have prior approval from ENERGEX. Please submit the relevant landscaping design to Principal Mains Design Engineer for approval. When considering landscape designs the planting of trees must be kept to the edges of the easement and not under any overhead conductors. When mature, plants or trees must not grow in excess of 3.5 metres in height. If pertinent the ENERGEX Guide to "Powerline Friendly Plants" will be enclosed, please refer to this Guide for recommended species.

Should you require any further information on the above matter, please contact the undersigned on (07) 3407 4815.

Yours faithfully,

sch4p4(6) Personal information

Town Planner
Network Development and Property Department
ENERGEX Limited

Reference: HBD734758 148970

Sunshine Coast Regional Council

Appeal Rights

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

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 relevant 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 relevant 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.

a. _____

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

(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 relevant 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.

(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.

For Building Works Only

Rights of appeal conferred by Section 4.2.9 of the *Integrated Planning Act 1997* as follows:

Division 3 – Appeals to tribunals relating to development applications

Appeals by applicants

4.2.9(1) An applicant for a development application may appeal to the Building and Development Tribunal 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;³

(c) the decision to give a preliminary approval when a development permit was applied for;

a.

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

³ Section 3.1.6 (Preliminary approval may override local planning instrument)

(d) the length of a period mentioned in section 3.5.21 relevant 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.

The Registrar for the Building and Development Tribunal may be contacted at the website <http://www.localgovernment.qld.gov.au/>

For Infrastructure Charges Only

4.1.36 Appeals about particular infrastructure charges

(1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice.

(2) The person may appeal to the court against the notice.

(3) The appeal must be started within 20 business days after-

(a) if the notice is given because of a development approval or master plan approval-the day the applicant is given notice of the decision about the approval; or

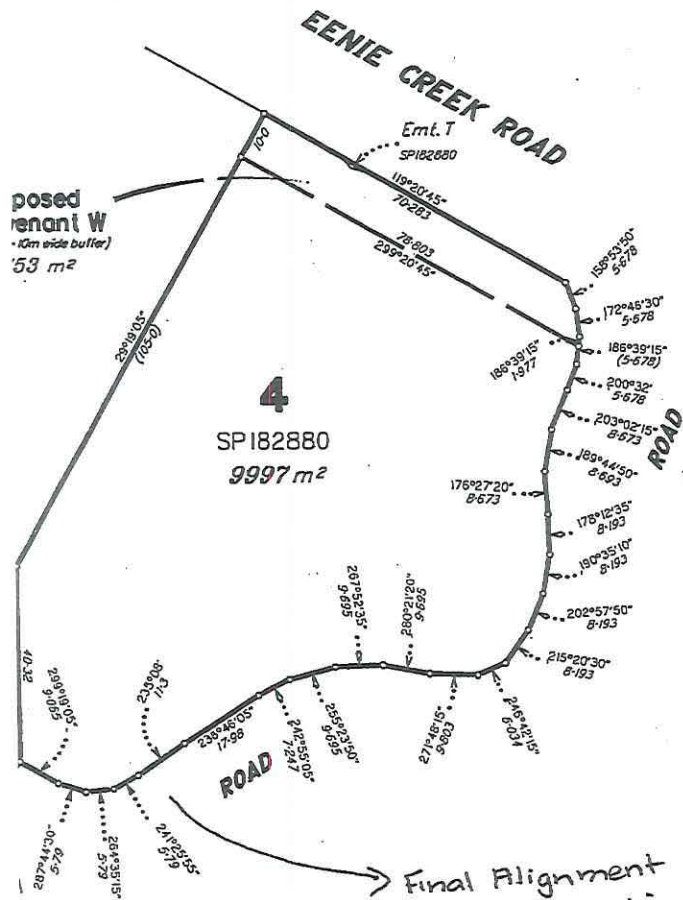
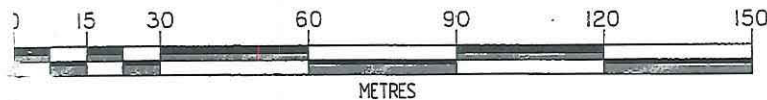
(b) otherwise-the day the notice is given to the person.

(4) An appeal under this section may only be about-

(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or

(b) an error in the calculation of the charge.

(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule or regulated State infrastructure charges schedule.



22-050

Client



For Alignment Dimensions
See SP182880

Final Alignment
Subject to
Construction
of Kerb by
others
in
accordance
with DA
2008/1714

SUNSHINE COAST
REGIONAL COUNCIL
PLANS APPROVED

Signature: [Redacted] (4p4 (6) Personal information)

Date: 24 July 2009

File F

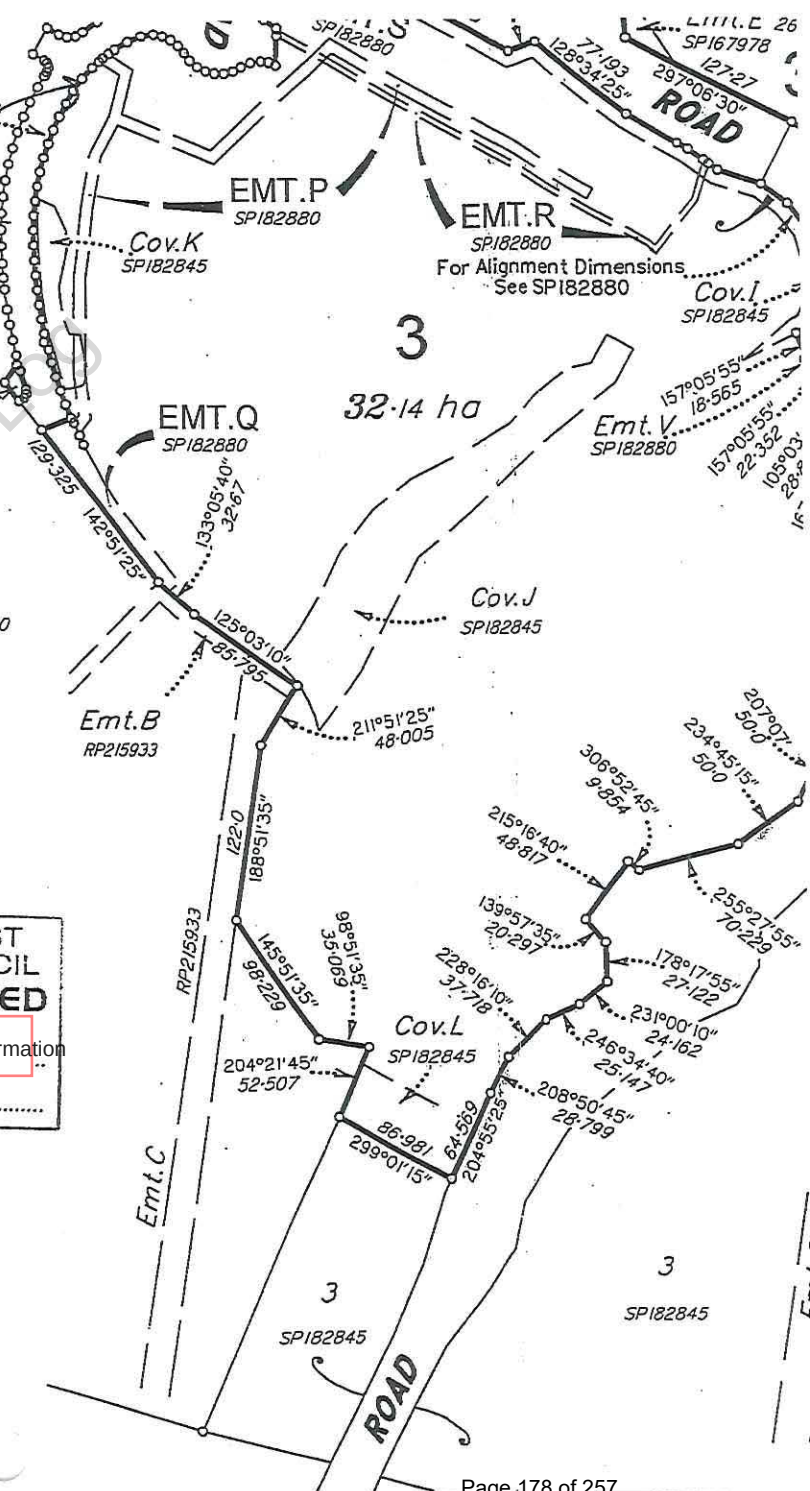
For Alignment Dimensions
See SP182880

Final Alignment
Subject to
Construction
of Kerb by
others
in
accordance
with DA
2008/1714

SUNSHINE COAST
REGIONAL COUNCIL
PLANS APPROVED

Signature: [Redacted] (4p4 (6) Personal information)

Date: 24 July 2009



Page 178 of 257

Drawn

WARNING : Folded or mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

714119227

\$452.80

19/10/2011 13:28

BE 400 NT

Registered

5. Lodged by

sch4p4(6) Personal information

Southern

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

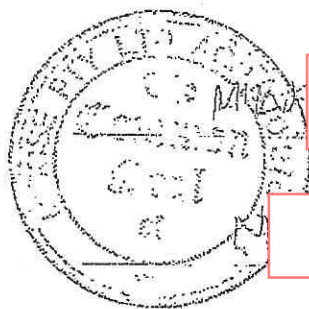
I/We MIROSE Pty Ltd Acn 010 278 118

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees



sch4p4(6) Personal information

Director

sch4p4(6) Personal information

Secretary

Amendments by Bennett & Francis
Pty Ltd Acn 010 278 118

sch4p4(6) Personal information
sch4p4(6) Personal information

Director

3.11.2011

* Rule out whichever is inapplicable

2. Local Government Approval.

* SUNSHINE COAST REGIONAL COUNCIL

hereby approves this plan in accordance with the:

% INTEGRATED PLANNING ACT 1997

Dated this 2ND day of SEPTEMBER 2011

sch4p4(6) Personal information

DELEGATED OFFICER
ADRIAN HALL

COORDINATOR - DEVELOPMENT CONSTRUCTION
OPERATIONAL WORKS ASSESSMENT
SUNSHINE COAST REGIONAL COUNCIL

* Insert the name of the Local Government.

Insert designation of signatory or delegation

% Insert Integrated Planning Act 1997
Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt : PS11/0138

Surveyor : 02579902

6. Existing

Created

Title Reference	Lot	Plan	Lots	Emts	Cov	Road
50816295	20	SP222982	3 & 4	---	Y	New Rd

MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
708119030	3,4	---

BENEFIT EASEMENT ALLOCATIONS

Easement	Lots Fully Benefited	Lots Partially Benefited
713731495 (Emt BD on SP167984)	3,4	---
713367157 (Emt BE on SP182878)	3,4	---

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
602533547 (Emt D on RP177294)	3
602533554 (Emt W on RP844425)	3
710212346 (Emt E on SP167978)	3
710227520 (Emts P & S on SP182880)	3
710227521 (Emts Q & R on SP182880)	3
710227522 (Emts T, U & V on SP182880)	3
710227524 (Emts M & N on SP192396)	3
710227522 (Emt T on SP182880)	4
Emt P on SP182880 (710227520), Emt N on SP192396 (710227524) & Emt Q on SP182880 (710227521) are partially absorbed by new road.	

EXISTING LEASE ALLOCATIONS

Lease	Lots to be Encumbered
710981233	3

All leases which were within the building on Lot 20 on SP222982 are now fully contained within Lot 3 on this plan as at the 19th of July 2011.

EXISTING COVENANT ALLOCATIONS

Covenant	Lots Encumbered
710227518	3

Administrative Advice Allocation

Administrative Advice	Lots Encumbered
713949855	3 & 4

Lots 3 & 4 Lot 29 on MCH390

Lots Orig

7. Portion Allocation :

8. Map Reference :
9545-33421

9. Locality :
Noosaville

10. Local Government :
Sunshine Coast Regional Council

11. Passed & Endorsed :

By: BENNETT & FRANCIS PTY LTD

Date: 2nd Nov 2011

Signed: sch4p4(6) Personal information

Designation: sch4p4(6) Personal information

12. Building Format Plans only.

I certify that :

* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road,
* Part of the building shown on this plan encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date
* delete words not required

13. Lodgement Fees :

Survey Deposit \$
Lodgement \$
.....New Titles \$
Photocopy \$
Postage \$
TOTAL \$

14. Insert Plan Number
SP246584



The intersection of existing easements and new boundaries have been calculated from existing registered plans.

DIAGRAM A
Scale 1: 500

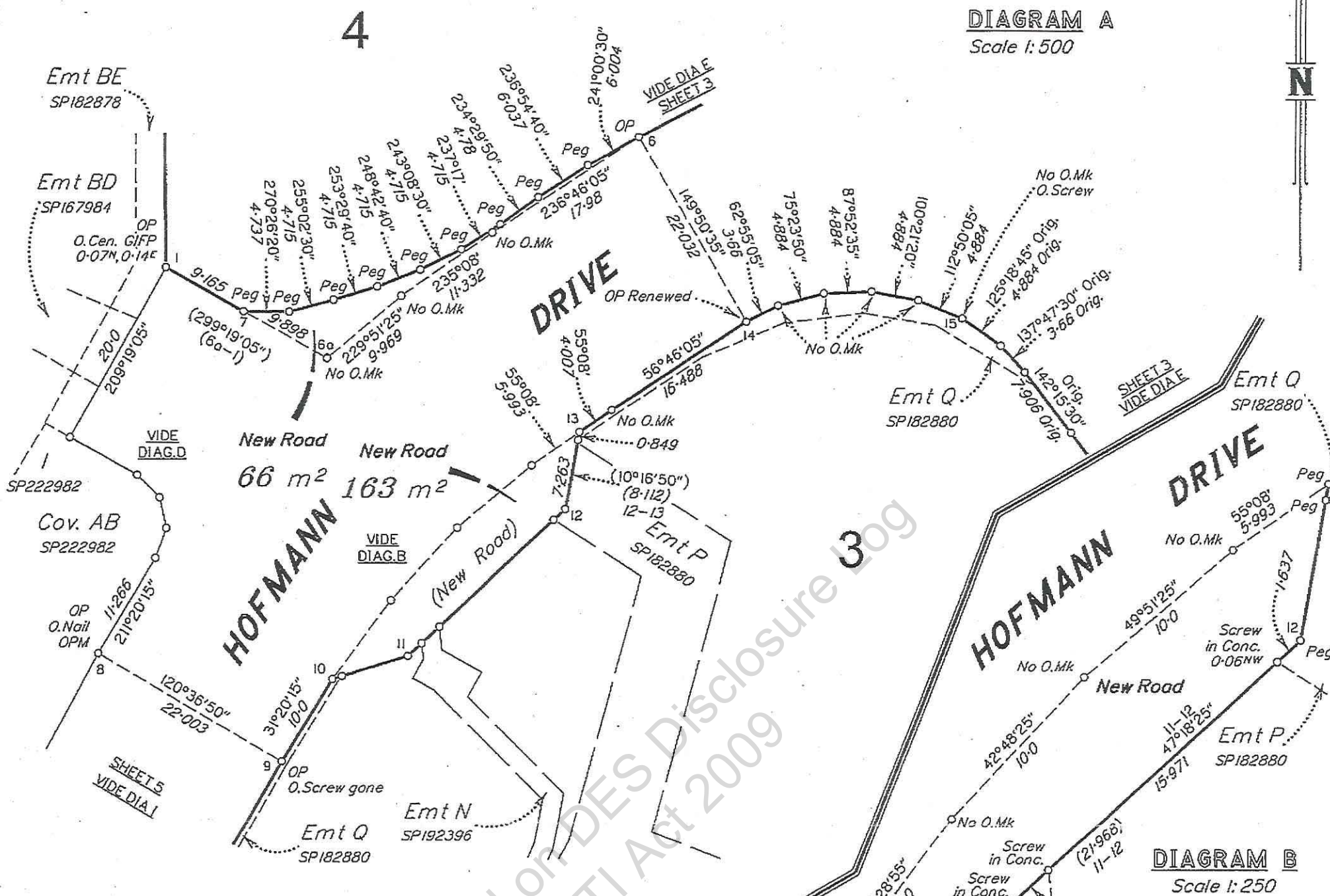


DIAGRAM B
Scale 1: 250

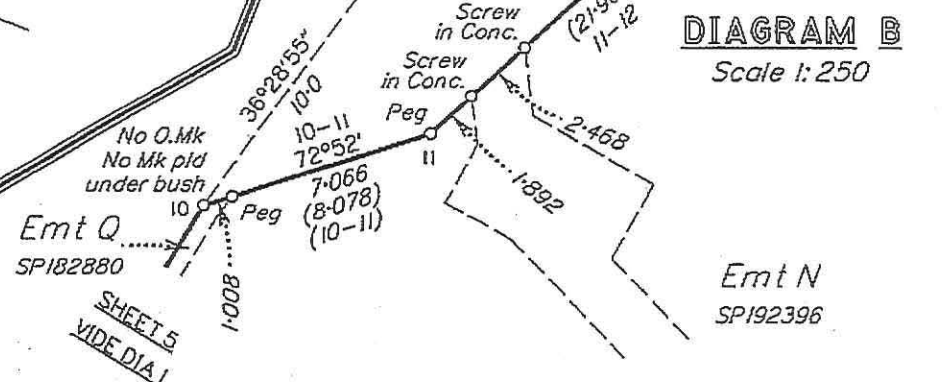
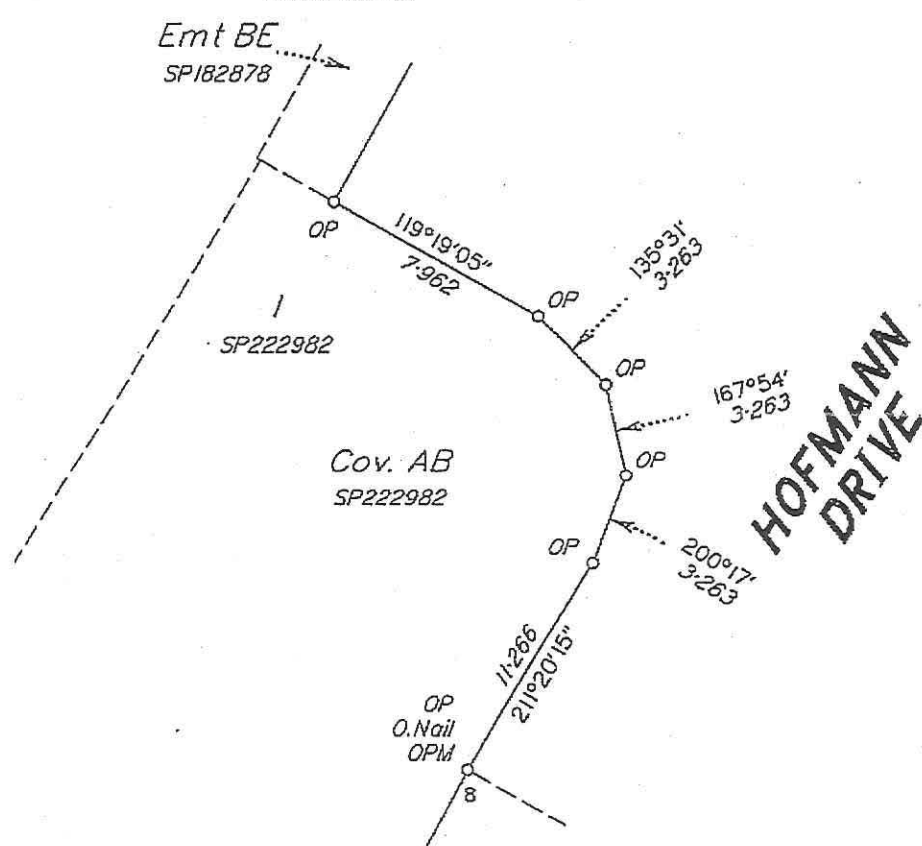


DIAGRAM D
Scale 1: 250



REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
2	OIP	10/SP222982	210°39'	1-017
3	O.Screw in Kerb	1/SP182880	37°03'30"	24-211
4	O.Screw in Kerb	2/SP182880	40°13'10"	4-578
5	O.Screw in Kerb	3/SP182880	349°04'10"	5-885
6	Screw in Kerb		204°26'55"	7-263
7	Mini Mk (Electricity)		101°41'	12-241
8	O.Nail in Kerb	29/222982	174°02'30"	7-516
8	Mini Mk (Electricity)		35°39'45"	20-76
9	Screw in Kerb		278°28'45"	4-389
9	O.Screw in Kerb Gone	9/SP182880	320°12'	4-673
11	Screw in the Conc.		65°54'	5-776
14	Screw in top of culvert		18°32'45"	3-635
15	O.Screw in Kerb	7/SP182880	358°24'	4-823

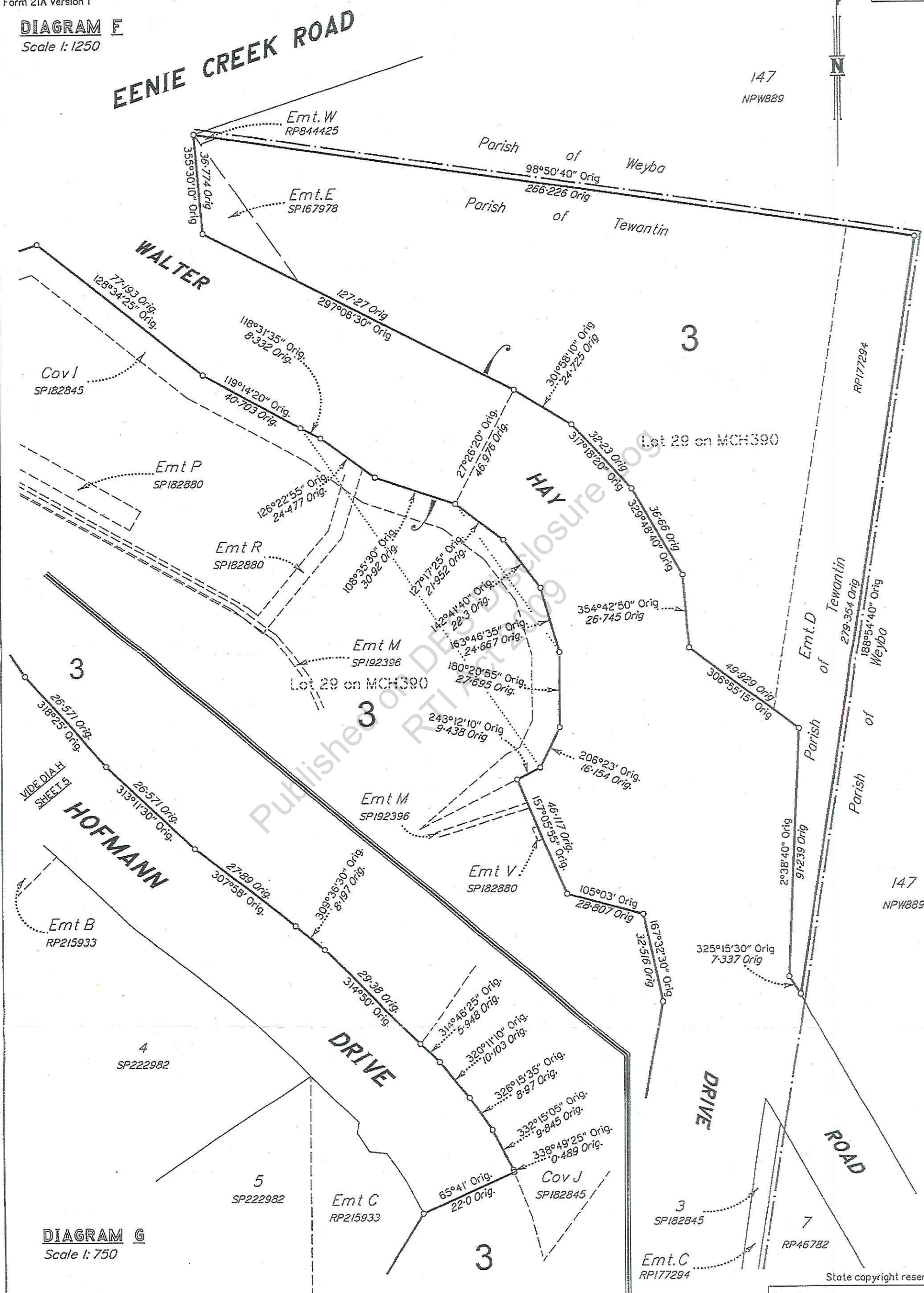
PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
3-OPM	SP167984	300°41'50"	255-598	52588
8-OPM	SP222982	158°35'	15-39	178113

State copyright reserved.

Insert Plan Number
SP246584

Scale 1: 1250



State copyright reserved.

Insert
Plan
Number

SP246584

State copyright reserved.

Insert Plan Number

SP246584



☐ For Regional Information & Filing

☒ Regional Action Required

Admin. Office: Contaminated Land Unit, Southern Region

Project No: 320564

Client No: 607703 EMR ID No: 78766

Permit No:

Ecoaccess Customer Service Unit

CROW No: 100432

Development Approval (Contaminated Land) Application Validation Checklist

AGENCY ROLE	
☐ Assessment manager	
☒ Concurrence agency	
APPLICATION TYPE	
☒ Material change of use	☒ All or Part of the Land is on the EMR or CLR
☐ Reconfiguration of a Lot	☐ Natural Mineralisation or Industrial Activity
	☒ Notifiable Activity or Industrial Activity
	☐ Preliminary Approval under S1.3.6 of IPA
	☐ Unexploded Ordnance
ADVICE AGENCY TRIGGERS	
☒ Wetlands – within 100m of a wetland	☒ MCU assessable under the planning scheme
☒ Conservation Estate – within 100m	☐ Reconfig a lot – ≥10 lots or any lot <5ha
☐ Heritage – shares a common boundary	☒ MCU for urban purposes
	☐ Reconfig a lot – ≥10 lots or any lot <5ha
	☐ MCU assessable under the planning scheme
	☐ Reconfig a lot
	☐ 3 rd Party Advice from Council
OTHER AGENCY INTERESTS	
☐ Marine Parks	☐ World Heritage Area
☐ Endangered remnant ecosystem	☐ Other
☐ Ramsar	
☒ Koala area (non-statutory)	

Individual/Company /Business Name: WA STOCKWELL PTY LTD

Contact person: sch4p4(6) Personal information Co-ordinator: sch4p4(6) Personal information

Indicate by Yes ☒ or No ☐. Leave unmarked if not applicable
A ☒ in any of the checkboxes MAY indicate 'invalid' application

All Applications	
Form 1 Part A/D/F/N Completed	☒ Acknowledgement Notice Attached
Referrals Checklist Completed	☒ Date Issued 29/8/08
Name & Contact Details Provided	☒ * Note: The referral is invalid if the AN issue date was > 3 months
Real Property Description Provided	☒ Lot/s: 2 Plan: SP 182880
Application Forms Signed and Dated	☒ Lot/s: Plan:
Owner's Consent	☒

Application Received: 11/9/2008

Acknowledgement Notice Due:/...../2008

Application Date: 12/9/2008

Info Request Due: 26/09/2008

Eco Access

From: sch4p4(6) Personal information
Sent: Friday, 12 September 2008 9:58 AM
To: Eco Access
Subject: Noosa Civic - MCU for Entertainment & Dining Type 2 on ladm at 28 Eenie Creek Road
Attachments: Part N and associated docs 12.09.08.pdf; img-9120951-0001.pdf

Council application Number 2008/1414

Please refer to attached correspondence.

Regards

sch4p4(6) Personal information

DEVELOPMENT MANAGER

sch4p4(6) Personal information

W.A. Stockwell Pty Ltd
Unit 10 /211 Montague Road
West End Q 4101
PO Box 3144
South Brisbane QLD 4101

t: 07 3004 6858 | f: 07 3004 6899

STOCKWELL

www.stockwell.com.au

DEVELOPMENT PROPERTY MANAGEMENT DESIGN & CONSTRUCTION

This email message is intended only for the addressee(s) and contains information which may be confidential. If you are not the intended recipient please do not read, save, forward, disclose, or copy the contents of this email. If this email has been sent to you in error, please delete this email and any copies or links to this email completely and immediately from your system.

IF THIS EMAIL CONTAINS AN IMAGE PLEASE READ THIS IMPORTANT MESSAGE

This image is sent to you for approval purposes only it is owned by another party and is protected by copyright. You do not have the right to use this image unless you have been given the express written permission to do so by Stockwell. By opening the image, you acknowledge that you have read this message and agree to these terms.

Form 1 Development Application

idas

Part N

Contaminated land

Nature of the application and contamination

1. What is the nature of the application and the nature of the contamination on the premises? (Tick applicable box/es)

Nature of the application	Nature of the contamination
☒ Material change of use	☒ (i) All or part of the premises is on the Environmental Management Register
☐ Reconfiguring a lot	☐ (ii) All or part of the premises is on the Contaminated Land Register
	☒ (iii) All or part of the premises is currently used for, or if there is no existing use, was last used for -
	☒ (a) a notifiable activity
	☐ (b) an industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose (including a caretaker residence on industrial land)
	☐ (iv) In an area for which an 'area management advice' has been given for natural mineralisation or industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose (including a caretaker residence on industrial land)
	☐ (v) In an area for which an 'area management advice' has been given for unexploded ordnance

Mandatory information

2. Confirm the following mandatory information accompanies this application.

	Confirmation of lodgement	Method of lodgement
(i) Plans showing where any notifiable activities, hazardous contaminant or potentially contaminated activity has occurred on the premises	☒ Confirmed	email
(ii) If the application involves a material change of use from an industrial use to a more sensitive use (e.g. child care, educational, recreational or residential purpose, including a caretaker residence on industrial land), a detailed site history outlining previous potentially contaminated uses on the premises	☐ Confirmed ☒ Not applicable	

OFFICE USE ONLY

Date received		Reference numbers	
---------------	--	-------------------	--

Advice for completing Part N

General advice

- Part A must also be completed for all IDAS development applications.
- All questions must be answered unless, following a response, there is a statement to go directly to a particular question.
- For further information about completing this form go to -
 - IDAS Guide 5 (Contaminated land matters)
 - EPA contaminated land website.

It should also be noted that, with the issuing of this Notice under section 374, the following requirements apply under section 421 of the *EP Act*.

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the particulars of the land have been recorded in the register.

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, EPA on telephone (07) 322 58487. Further information about contaminated land matters may be obtained by visiting our web-site at: www.epa.qld.gov.au/environment/business/contaminated.

sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994

Published on DES Disclosure Log
RTI Act 2009



W.A. STOCKWELL PTY LTD

10 / 211 Montague Rd
West End QLD 4101
PO Box 3144
South Brisbane QLD 4101
T: 07 3004 6888
F: 07 3004 6899
www.stockwell.com.au
ABN 50 010 095 360

12 September 2008

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001

Dear Sir/Madam,

**Re Development Permit for Material Change of Use –Entertainment and Dining Business
Type 2 – TAB situated at 28 Eenie Creek Road Noosaville described as Lot 2
SP182880.**

Council Application No: 2008/1414

Please find **enclosed** the following additional documentation associated with the above development application:

1. Duly executed IDAS Application Form 1, Part N;
2. Notice of land on environmental management register; and
3. Site Plan indicating location of Service Station.

If you have any queries, please contact me on 07 3004 6858.

Yours faithfully,
W.A STOCKWELL PTY LTD

sch4p4(6) Personal information

Development Manager

Published on DES Disclosure Log
RTI Act 2009

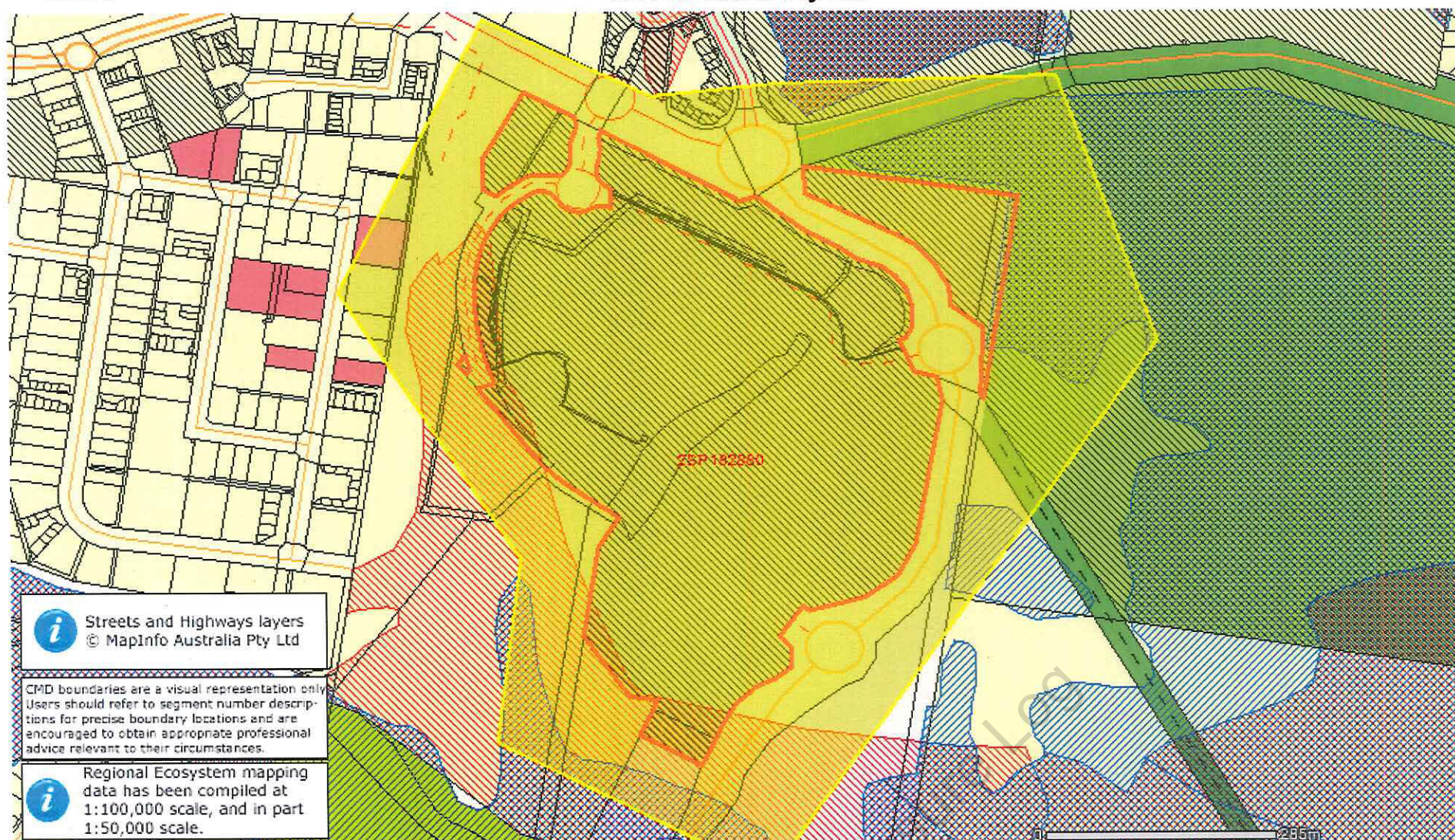
ecomaps

11/09/2008

W A Stockwell Pty Ltd

Queensland Environmental Protection Agency

Page 1 of 2



Information presented on this product is distributed by the Queensland Government as an information source only. The State of Queensland makes no statements, representations or warranties about the accuracy or completeness of, and you should not rely on, any information contained in this product. The State of Queensland disclaims all responsibility for information contained in this product and all liability (including without limitation, liability in negligence) for all expenses, losses, damages and costs you may incur as a result of the information being inaccurate or incomplete in any way for any reason.

<http://mudlark.env.qld.gov.au/website/ecomaps/printL.htm>

11/09/2008

Published on DES Dis
RTI Act 2009


<http://mudlark.env.qld.gov.au/website/ecomaps/printL.htm>

11/09/2008

Cadastre

No.	Lot Number	Plan Number	Lot and Plan Number	Street No.	Street Suffix	Street No. 2	Street Suffix 2	Street Name	Street Type	Street Part	Loc Name	Area in sq metres	Tenure	Parish	County	LGA	Feature Name	Locality
1	147	NPW889	147NPW889					SUNSHINE	MWY		COOLUM BEACH	1443626.969	NP	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA NATIONAL PARK	NOOSAVILLE
2	7	RP46782	7RP46782					EENIE CREEK	RD		NOOSAVILLE	19853.726	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL		NOOSAVILLE
3	2	RP160983	2RP160983					EENIE CREEK	RD		NOOSAVILLE	455696.352	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL		NOOSAVILLE
4												15830.1		WEYBA	MARCH	SUNSHINE COAST REGIONAL	EENIE CREEK ROAD	NOOSAVILLE
5												1407.672		TEWANTIN	MARCH	SUNSHINE COAST REGIONAL	ROAD	NOOSAVILLE
6												7268.264		WEYBA	MARCH	SUNSHINE COAST REGIONAL	EENIE CREEK ROAD	NOOSAVILLE
7												3412.246		WEYBA	MARCH	SUNSHINE COAST REGIONAL	WALTER HAY DRIVE	NOOSAVILLE
8	A	SP162077	ASP162077									2955.352	EA	WEYBA	MARCH	SUNSHINE COAST REGIONAL		NOOSAVILLE
9	7	SP188669	7SP188669									494.434	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVILLE
10	9	SP188669	9SP188669									173.276	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVILLE
11	14	SP188669	14SP188669									202.565	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVILLE
12	0	SP188669	0SP188669									4230.686	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVILLE
13												7405.136		WEYBA	MARCH	SUNSHINE COAST REGIONAL	PRODUCTION STREET	NOOSAVILLE
14	255	MCH4539	255MCH4539	3				PRODUCTION	ST		NOOSAVILLE	4188.962	FH	TEWANTIN	MARCH	SUNSHINE COAST REGIONAL		NOOSAVILLE

file://c:\temp\9CGDXW6C.htm

11/09/2008

Published on DES Disclosure Log
RTI Act 2009

4	essential	Pezoporus wallicus wallicus	essential
---	-----------	-----------------------------	-----------

Contaminated Sites

No.	Lot No	Plan No	Registered Site ID	AMA Site ID	Current Category Code	AMA Type	AMA Name	Record Type	Register Name
1	24	SP162080	55053					NP	EMR
2	7	SP188669	76044					NP	EMR
3	2	SP182880	78766		N			BP	EMR
4	9	SP188669	76046					NP	EMR
5	6	SP188669	76043					NP	EMR
6	2	SP182880	78766		N			BP	EMR
7	10	SP188669	76047					NP	EMR
8	11	SP188669	76048					NP	EMR
9	14	SP188669	76051					NP	EMR
10	147	NPW889	46961	26329		AMA	UXO (AMA)	NP	EMR - AMA
11	12	SP188669	76049					NP	EMR
12	13	SP188669	76050					NP	EMR
13	2	SP182880	78766		N			BP	EMR
14	2	SP182880	78766		N			BP	EMR
15	8	SP188669	76045					NP	EMR
16	2	SP162077	54788					NP	EMR

Environmental Services Regions

No.	EPA Region
1	North Brisbane

EPA Referrable Wetlands

No.	Wetland Type
1	Palustrine
2	Palustrine
3	Palustrine
4	Palustrine

Local Government Areas

No.	LGA Name
1	SUNSHINE COAST REGIONAL

Local Government Areas Prior to Amalgamation

No.	LGA Name

file:///c:/temp/9CGDXW6C.htm

11/09/2008

										BEACH						REGIONAL	PARK	
2	7	RP46782	7RP46782					EENIE CREEK	RD		NOOSAVILLE	19853.726	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
3	2	RP160983	2RP160983					EENIE CREEK	RD		NOOSAVILLE	455696.352	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
4												15830.1		WEYBA	MARCH	SUNSHINE COAST REGIONAL	EENIE CREEK ROAD	NOOSAVII
5												1407.672		TEWANTIN	MARCH	SUNSHINE COAST REGIONAL	ROAD	NOOSAVII
6												7268.264		WEYBA	MARCH	SUNSHINE COAST REGIONAL	EENIE CREEK ROAD	NOOSAVII
7												3412.246		WEYBA	MARCH	SUNSHINE COAST REGIONAL	WALTER HAY DRIVE	NOOSAVII
8	7	SP188669	7SP188669									494.434	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVII
9	9	SP188669	9SP188669									173.276	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVII
10	14	SP188669	14SP188669									202.565	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVII
11	0	SP188669	0SP188669									4230.686	FH	WEYBA	MARCH	SUNSHINE COAST REGIONAL	NOOSA HOME	NOOSAVII
12												7405.136		WEYBA	MARCH	SUNSHINE COAST REGIONAL	PRODUCTION STREET	NOOSAVII
13	255	MCH4539	255MCH4539	3				PRODUCTION	ST		NOOSAVILLE	4188.962	FH	TEWANTIN	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
14	256	MCH4539	256MCH4539	5				PRODUCTION	ST		NOOSAVILLE	2094.646	FH	TEWANTIN	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
15	257	MCH4891	257MCH4891	7				PRODUCTION	ST		NOOSAVILLE	1998.323	FH	TEWANTIN	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
16	3	RP215933	3RP215933					EENIE CREEK	RD		NOOSAVILLE	199.822	FH	TEWANTIN	MARCH	SUNSHINE COAST REGIONAL		NOOSAVII
17												21433.158		TEWANTIN	MARCH	SUNSHINE COAST	WALTER HAY DRIVE	NOOSAVII

file:///c:/temp/9CGDXW6C.htm

11/09/2008

Published on DES Disclosure Log
RTI Act 2009

2	Koala Conservation Area	Statutory Koala Habitat Area
3	Urban Koala Area	Statutory Koala Habitat Area

Queensland Fire and Rescue Service regional office boundaries

No.	QFRS Region	Office	Street Address	Postal Address	Phone No.	Fax No.	Mobile No.
1	North Coast Region (Maryborough)	MARYBOROUGH COMMUNITY SAFETY OFFICE	98 Lennox Street, Maryborough, Qld. 4650	98 Lennox Street, Maryborough, Qld. 4650	(07) 4121 7841	(07) 4121 7768	sch4p4(6) Personal information

Regional Harbour Master Areas

No.	Region Name
1	BRISBANE REGION

Queensland

No.	Feature
1	Queensland Mainland

No Features Found in the following layer(s):

- IPA Trigger for ECSU
- VMA Essential Habitat Points
- Queensland Wetland Data Wetlands Displayed by Wetland System
- Coastal Aerial Photos Urangan to St Lawrence 2001
- Coastal Aerial Photos Tweed to Urangan 2004
- Coastal Aerial Photos Townsville to Cooktown 2001
- Wet Tropical Coast Coastal Management District P
- Wet Tropical Coast Coastal Management District L
- Cardwell Hinchinbrook Coastal Management District P
- Cardwell Hinchinbrook Coastal Management District L
- Wet Tropical Coast AOSS Endangered Regional Ecosystems
- Cardwell Hinchinbrook AOSS Endangered Regional Ecosystems
- Endangered Remnant Regional Ecosystems Biodiversity Status
- Updates to Remnant Regional Ecosystems Biodiversity Status
- Wild River Area Boundaries
- Nature Refuges
- SEQ RCMP Coastal Management District polygon
- Forest Plantations Queensland

file:///c:/temp/9CGDXW6C.htm

11/09/2008

Published on DES Disclosure Log
RTI Act 2009

- Other States

file:///c:/temp/9CGDXW6C.htm

11/09/2008

Published on DES Disclosure Log
RTI Act 2009

[QNTIME](#) > [Specific Parcel Search](#) > [Specific Parcel Report](#)

Specific Parcel Report

Lot: 2 on Plan: SP182880
Parcel: on Segment:

DCDB:

Tenure:

Description:

FH

FREEHOLD

CISP:

Previous Plan Details:

Plan	Registered Description
SP182832 04/03/2008	LEASE H IN LOT 2 ON SP182880
SP182880 08/01/2007	LOTS 1 & 2 & EMTS P,Q,R,S,T,U & V IN LOT 2 CANCELLING LOT 1 ON RP215933 & LOT 2 ON SP182845
SP182845 08/01/2007	LOTS 2 & 3 & COVENANTS I-L IN LOT 2 CANCELLING LOT 2 ON SP167978
SP192396 08/01/2007	EMTS M & N IN LOT 2 ON SP182880
SP167978 28/02/2006	LOT 2 CANCELLING LOT 2 ON SP163572 (& PART OF USL BEING CLOSED ROAD)
SP163572 22/04/2005	LOT 2 CANCELLING LOT 2 ON SP110885
SP110885 18/06/1998	LOTS 2 & 53 CANCELLING LOT 2 ON RP215933, LOT 53 ON MCH1158 & LOT 4 ON RP215933
RP844425 19/05/1993	(PROPOSED) EMT W IN LOT 4 ON RP215933
RP215933 08/06/1988	LOTS 1-4 AND (PROPOSED)EMTB-D IN LOT 1 CANCELLING LOT 29 ON MCH390
RP183901 19/08/1983	EMT A IN LOT 29 ON MCH390
RP177294 10/06/1983	EMT C & D IN LOT 29 ON MCH390
MCH390 24/11/1906	POR.29

ATS:

Title Reference:

Original Deed of Grant:

Previous Title References:

50644777

1. 11714027

50644775

QVAS:

Registered Owner:

Address:

Primary Land Use Code:

Secondary Land Use Code:

MIROSE PTY LTD

28 EENIE CREEK RD, NOOSAVILLE QLD 4566

DRIVE-IN SHOPPING CENTRE(16)

NONE(0)

TAS:

No TAS data found.

[View on Keymap](#)

[Back to Search](#)

Logged in as franciskd

[Disclaimer](#)

© The State of Queensland (Department of Natural Resources and Mines) 2008.

[Queensland Government Gateway](#)

BNE 35046
VOL 1



W.A. STOCKWELL PTY LTD
10 / 211 Montague Rd
West End QLD 4101
PO Box 3144
South Brisbane QLD 4101
T: 07 3004 6888
F: 07 3004 6899
www.stockwell.com.au
ABN 50 010 095 360

9 September 2008

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001



Dear Sir/Madam,

Re **Development Permit for Material Change of Use –Entertainment and Dining Business
Type 2 – TAB situated at 28 Eenie Creek Road Noosaville described as Lot 2
SP182880.**
Council Application No: 2008/1414

We wish to advise that WA Stockwell Pty Ltd has recently lodged a development application with Noosa Shire Council in regard to the above development. The application requires referral to the Environmental Protection Agency (Contaminated Land Unit) as a Concurrence Agency. In accordance with Section 3.3.3 of the *Integrated Planning Act 1997* please find attached a copy of the application (including IDAS forms) and the Acknowledgement Notice received from the Assessment Manager.

We trust the attached information provided is sufficient to enable your assessment of the application. If further clarification is required please do not hesitate to contact myself on 0403181767 or (07) 30046858.

Yours faithfully,
W.A STOCKWELL PTY LTD

[Redacted signature box]

sch4p4(6) Personal information
Development Manager

Published under the RTI Act 2009

Officer: Kerri Coyle
Direct Telephone: 5449 5223
Response Address: PO Box 141, Tewantin QLD 4565
Email: Kerri.Coyle@sunshinecoast.qld.gov.au
Our Reference: 2008/1414

29 August 2008

WA Stockwell Pty Ltd
CARE WA Stockwell Pty Ltd
PO Box 3144
SOUTH BRISBANE QLD 4101



ATTENTION: (6) Personal information

Dear Madam

**Acknowledgment Notice
Integrated Planning Act 1997**

Council acknowledges receipt of your application.

This Acknowledgment Notice has been prepared in accordance with the *Integrated Planning Act 1997* and contains information relevant to the processing and assessment of the application.

The following details are confirmed:

1 APPLICATION DETAILS

Application No: 2008/1414
Street address: 28 Eenie Creek Road NOOSAVILLE
Real property description: LOT 2 SP 182880
Planning Scheme: The Noosa Plan

2 TYPE OF DEVELOPMENT

The application seeks development approval for:

- Development Permit for a Material change of use - Entertainment & Dining Business Type 2 - TAB

3 CODE ASSESSMENT

Will Code Assessment be required? Yes
Applicable Codes
Noosaville Locality Code;
Business Uses Code;
Landscaping Code; and
Engineering Works Codes

Page 1 of 4

4 REFERRAL AGENCIES

Based on the information accompanying the lodged application, referral is required to the following IDAS referral agencies. Accordingly, you are required to forward a copy of the application, this Acknowledgement Notice and any applicable referral agency application fee, to the referral agency **within three (3) months**. After complying with the above the applicant must give the assessment manager written notice of the day the applicant referred the application to each referral agency.

Referral Trigger	Referral Status	Referral Agency	Referral Address
Site listed on Environmental Management or Contaminated Land Register under EPA 1994	Concurrence	EPA (Contaminated Land Unit)	PO Box 2771 BRISBANE QLD 4001
Site situated within 100m of a substation site under the Electricity Act 1994	Advise	Energex	GPO Box 1461 BRISBANE QLD 4001

5 INFORMATION REQUEST

A further information request will be made by the assessment manager.

Regardless of this advice, any concurrence agency for the application may make an information request.

Notification is also given in accordance with section 3.3.6(6) of the *Integrated Planning Act 1997* that the information request period is extended by 10 days.

6 OTHER DETAILS

You may wish to follow the progress of this application online at <http://rrif.noosa.qld.gov.au/masterviewpublic/modules/applicationmaster/default.aspx?page=search>

Should you have any further queries in relation to the above, please do not hesitate to contact Kerri Coyle on the above number.

Yours faithfully,

sch4p4(6) Personal information

MANAGER – LAND USE



Notice of concurrence agency response Sections 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, to advise you of a decision or action.

Enquiries to: Allen Johns
Telephone: (07) 3224 5099
Your reference: 2008/751
Our reference: Appl'n: 78766 Part 1 File No.: BNE35046

CC: sch4p4(6) Personal information
Stockwell Pty Ltd
PO Box 3144
South Brisbane QLD 4101

Sunshine Coast Regional Council
Locked Bag 72 Mail Centre
NAMBOUR QLD 4560

Attention: sch4p4(6) Personal information

Re: Application (No. 2008/751) for development approval for assessable development to be carried out at 28 Eenie Creek Road NOOSAVILLE (Lot 2 on SP182880).

Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, the Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) is a concurrence agency for the development application:

- ☒ Item 21, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*
☐ Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

The EPA-CLU, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions).

The EPA-CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided .

sch4p4(6) Personal information

Signed

sch4p4(6) Personal information

**Delegate of Administering Authority
*Environmental Protection Act 1994.***

Date

Conditions of the development approval

The reconfiguration of the Lot 2 on SP182880 where the notifiable activity No.: 34 - service station has been carried out must be in accordance with the proposed survey plan of Lots 3 & 4 plan drawing number 021434.01 prepared by Bennett & Francis Pty Ltd dated 13/3/2008.

It is a requirement that the applicant notify the Environmental Protection Agency (EPA) (Contaminated Land Unit) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the EPA (Contaminated Land Unit) to enable the removal of proposed lot 4 from the Environmental Management Register (EMR).

Additional comments or advice about the application

The approval of the reconfiguration of the Lot 2 on SP182880 does not imply material change of use approval.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

IPA APPLICATION ASSESSMENT SHEET – CONTAMINATED LAND UNIT

Assessment Due Date: 2 June 2008

1. PROPOSAL DETAILS

Proposal: Reconfiguration of a Lot
Proposal Description: 2 lots

2. ADMINISTRATIVE DETAILS

EPA App'n No: 78766 Part 1
File No: BNE35046

Council: Sunshine Coast Regional Council
LA App'n No: 2008/751
Site Address: 28 Eenie Creek Road NOOSAVILLE
Property Description: Lot 2 on SP182880
Applicant Name: sch4p4(6) Personal information Mirose Pty Ltd / Stockwell Pty Ltd

EMR/CLR/AMA details:

Lot/Plan	EMR/CLR/ AMA No:	Notifiable Activity (NA) or Hazardous Contamination.	On going NA Yes or No?
Lot 2 on SP182880	78766	NA - 32	Yes

3. APPLICATION ASSESSMENT

3.1 Information from the application, EMR or CLU files:

Any existing ERA's?: unknown
Any new ERA's?: unknown
ERA Jurisdiction:

3.2 Information from the application and IDAS forms, EMR or EPA-CLU files:

Past Use: Business centre
Current Use: Business Park

3.3 Supporting information: (For incorrect referral skip 3.3.1)

3.3.1 Are there any Environmental Values that are at risk?

Human being

3.3.2 Other relevant details supporting the conclusion(s)

- ROL proposed 2 Lots 3 and 4 cancelling Lot 2 on SP182880.
- Future site MCU is for business park development.
- NA 32 is still a continuing use and is to be located on the proposed lot 3..

4. ASSESSMENT OUTCOME

Conclusion: (Is the site suitable for the proposed development?)

Site suitable for use as the NA is still on going use.

Recommendation:

Allen Johns

From: sch4p4(6) Personal information
Sent: Tuesday, 3 June 2008 3:40 PM
To: Allen Johns
Subject: RE: Noosa Civic Stage 2 - Reconfiguration of Lot
Attachments: img-6031535-0001.pdf

Please find attached signed Statutory Declaration. Original is in the post.

Regards

sch4p4(6) Personal information

DEVELOPMENT MANAGER

sch4p4(6) Personal information

W.A. Stockwell Pty Ltd
Unit 10 /211 Montague Road
West End Q 4101
PO Box 3144
South Brisbane QLD 4101

t: 07 3004 6858 | f: 07 3004 6899

www.stockwell.com.au

STOCKWELL

DEVELOPMENT PROPERTY MANAGEMENT DESIGN & CONSTRUCTION

This email message is intended only for the addressee(s) and contains information which may be confidential. If you are not the intended recipient please do not read, save, forward, disclose, or copy the contents of this email. If this email has been sent to you in error, please delete this email and any copies or links to this email completely and immediately from your system.

IF THIS EMAIL CONTAINS AN IMAGE PLEASE READ THIS IMPORTANT MESSAGE

This image is sent to you for approval purposes only it is owned by another party and is protected by copyright. You do not have the right to use this image unless you have been given the express written permission to do so by Stockwell. By opening the image, you acknowledge that you have read this message and agree to these terms.

From: Allen Johns [mailto:Allen.Johns@epa.qld.gov.au]

Sent: Tuesday, June 03, 2008 1:08 PM

sch4p4(6) Personal information

Subject: RE: Noosa Civic Stage 2 - Reconfiguration of Lot

Importance: High

sch4p4(6) Personal information

As discussed. Please get the owner of the land to sign the attached statutory declaration. In addition please mark were on the attached plan were the NA 34 is located (proposed lot 3)... Once signed please send me a pdf copy and the original to be posted to:

Attn: Allen Johns

message and agree to these terms.

+-----+

Think B4U Print

1 ream of paper = 6% of a tree and 5.4kg CO2 in the atmosphere

3 sheets of A4 paper = 1 litre of water

+-----+

Disclaimer

WARNING: This e-mail (including any attachments) has originated from a Queensland Government department and may contain information that is confidential, private, or covered by legal professional privilege, and may be protected by copyright.

You may use this e-mail only if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this e-mail without appropriate authority. If you have received this e-mail in error, please inform the sender immediately by phone or e-mail and delete this e-mail, including any copies, from your computer system network and destroy any hardcopies.

Unless otherwise stated, this e-mail represents the views of the sender and not the views of the Environmental Protection Agency.

Although this e-mail has been checked for the presence of computer viruses, the Environmental Protection Agency provides no warranty that all viruses have been detected and cleaned. Any use of this e-mail could harm your computer system. It is your responsibility to ensure that this e-mail does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

E-mails sent to and from the Environmental Protection Agency will be electronically stored, managed and may be audited, in accordance with the law and Queensland Government Information Standards (IS31, IS38, IS40, IS41 and IS42) to the extent they are consistent with the law.

!DEPTSTAMP1!

Statutory Declaration.

QUEENSLAND
TO WIT }

I, sch4p4(6) Personal information A DIRECTOR OF MIROSE PTY LTD THE
REGISTERED OWNER OF LOT 2 ON SP 182880 THE SUBJECT OF THE
of 101211 MONTAGUE ROAD WEST END, in the State of Queensland PROPOSED SUBDIVISION
do solemnly and sincerely declare
that :

- The proposed subdivision to create Lot 4, as shown on drawing 021434.01 dated 13/3/2008 does not include:
 - o any notifiable activities as mentioned in Schedule 2 of the *Environmental Protection Act 1994*; and
 - o no industrial activities have been carried out on this lot.
- The notifiable activity (34 – service station) as listed in the environmental management register for Lot 2 on SP182880 will be now located on proposed subdivision to create Lot 3 as shown on drawing 021434.01 dated 13/3/2008. Attached is the drawing showing where the notifiable activity (34 – service station) is located.

And I make this solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions of the
Oath Act 1867

Taken and declared before me, at

this THIRD day of JUNE 2008 }

sch4p4(6) Personal information

sch4p4(6) Personal information

A Justice of the Peace/Commissioner for Declarations

sch4p4(6) Personal information

COM DEC 48180

IDAS APPLICATIONS CHECKLIST

APPLICATION NUMBER: 78766

FILE NUMBER: BNE35046

REFERRAL DATE: 200508

INFORMATION REQUEST DUE: 030608

RCU NUMBER:

☒ ACKNOWLEDGEMENT NOTICE

IPA FORMS

☒ COMMON DETAILS – PART A
☒ OWNERS CONSENT

☐ PART D – MATERIAL CHANGE OF USE

AND OR

☒ PART F – RECONFIGURATION A LOT

☒ PART N – CONTAMINATED LAND

☒ IDAS ASSESSMENT CHECKLIST

☐ REFERRAL COORDINATION REQUIRED

Published on DES Disclosure Log
RTI Act 2009

BNE 35046
VOL 3

STOCKWELL

W.A. STOCKWELL PTY LTD
10 / 211 Montague Rd
West End QLD 4101
PO Box 3144
South Brisbane QLD 4101
T: 07 3004 6888
F: 07 3004 6899
www.stockwell.com.au
ABN 50 010 095 360



3 June 2008

Attn: Allen Johns
File Ref: BNE35046
Environmental Protection Agency
15th Floor
160 Ann Street
Brisbane 4001

Dear Allen

Statutory Declaration - Application for Reconfiguration of Lot Noosa Civic Stage 2 situated at 28 Eeenie Creek Road Noosaville, described as Lot 2 SP182880.

I refer to email dated 3 june 2008 regarding the above application.

As requested please find attached signed Statutory Declaration dated 3 June 2008 for Notifiable Activity (Service Station) on land within proposed Lot 3.

Thankyou for your assistance with the matter.

Should you have any further queries please contact myself on 07-30046858.

Yours Faithfully
WA Stockwell Pty Ltd

sch4p4(6) Personal information

Development Manager

Published on DES Disclosure Log
RTI Act 2009

Statutory Declaration.

QUEENSLAND }
TO WIT }

I, sch4p4(6) Personal information A DIRECTOR OF MIROSE PTY LTD THE
REGISTERED OWNER OF LOT 2 ON SP 182880 THE SUBJECT OF THE
of 10/211 MONTAGUE ROAD WEST END, in the State of Queensland PROPOSED SUBDIVISION
do solemnly and sincerely declare

that :

- The proposed subdivision to create Lot 4, as shown on drawing 021434.01 dated 13/3/2008 does not include:
 - any notifiable activities as mentioned in Schedule 2 of the *Environmental Protection Act 1994*; and
 - no industrial activities have been carried out on this lot.
- The notifiable activity (34 – service station) as listed in the environmental management register for Lot 2 on SP182880 will be now located on proposed subdivision to create Lot 3 as shown on drawing 021434.01 dated 13/3/2008. Attached is the drawing showing where the notifiable activity (34 – service station) is located.

And I make this solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions of the
Oath Act 1867

Taken and declared before me, at

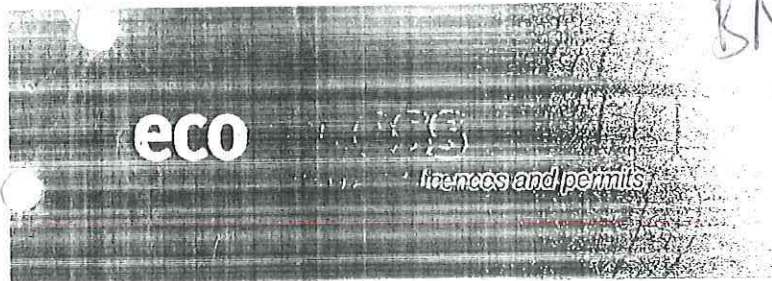
this THIRD day of JUNE 2008 }

sch4p4(6) Personal information

A Justice of the Peace/Commissioner for Declarations

sch4p4(6) Personal information

Com DEC 48180



BNE 35046
update file
Rec'd 29/11/08

Application form

Contaminated Land

Notification of Land

This form should be used by people providing notification to the Environmental Protection Agency, of contaminated land or land use for a notifiable activity in accordance with Schedule 2 of the *Environmental Protection Act 1994*. This form relates specifically to Sections 371 and 372 of the *Environmental Protection Act 1994*.

NOTE: You must complete all questions below and use a separate form for each lot.

1. Person making notification

NAME sch4p4(6) Personal information	TELEPHONE 07- 30046888
COMPANY/ORGANISATION WA Stockwell Pty Ltd	
POSTAL ADDRESS PO Box 3144, South Brisbane, QLD 4101	
EMAIL sch4p4(6) Personal information	FACSIMILE 07-30046899

78766
N site added
29/11/08

2. Site details

2.1. Name by which the property is known locally?

2.2.

Noosa Civic

2.3. Please provide details of the Lot on Plan to which the notification applies

Please note that a separate notification form must be used for each Lot on Plan.

FULL STREET ADDRESS OF THE SITE 28 Eenie Creek Road, Noosaville, QLD 4565	
LOT(S) 2	PLAN(S) SP182880
LOCAL GOVERNMENT AUTHORITY Noosa Shire	

CURRENT TITLE SEARCH
NATURAL RESOURCES AND WATER, QUEENSLANDRequest No: 119180841
Search Date: 01/06/2007 11:03Title Reference: 50644777
Date Created: 08/01/2007

Previous Title: 50644775

REGISTERED OWNER

Dealing No: 710227519 04/01/2007

MIROSE PTY LTD A.C.N. 010 278 118

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 182880
County of MARCH Parish of TEWANTIN
Local Government: NOOSA SHIRE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 11714027 (Lot 29 on CP MCH390)
2. EASEMENT IN GROSS No 602533547 (G983354) 12/05/1983
burdening the land
THE SOUTH EAST QUEENSLAND ELECTRICITY BOARD
over
EASEMENT D ON RP177294
3. TRANSFER No 703629293 13/10/1999 at 13:58
EASEMENT IN GROSS: 602533547 (G983354)
SOUTH EAST QUEENSLAND ELECTRICITY CORPORATION LIMITED A.C.N.
078 849 055
4. EASEMENT IN GROSS No 602533548 (H49699) 04/08/1983
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT A ON RP183901
5. EASEMENT IN GROSS No 602533554 (L463025D) 23/04/1993
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT W ON RP844425
6. MORTGAGE No 708119030 08/10/2004 at 09:06
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 119180841

Search Date: 01/06/2007 11:03

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

7. EASEMENT IN GROSS No 710212346 22/12/2006 at 11:26
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENT E ON SP167978

8. COVENANT No 710227518 04/01/2007 at 08:24
COUNCIL OF THE SHIRE OF NOOSA
OVER COVENANTS I, J, K AND L ON SP182845

9. EASEMENT IN GROSS No 710227520 04/01/2007 at 08:24
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENTS P AND S ON SP182880

10. EASEMENT IN GROSS No 710227521 04/01/2007 at 08:25
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENTS Q AND R ON SP182880

11. EASEMENT IN GROSS No 710227522 04/01/2007 at 08:25
burdening the land
COUNCIL OF THE SHIRE OF NOOSA
over
EASEMENT T U AND V ON SP182880

12. EASEMENT IN GROSS No 710227524 04/01/2007 at 08:26
burdening the land
ENERGEX LIMITED A.C.N. 078 849 055
over
EASEMENTS M AND N ON SP192396

13. LEASE No 710341326 15/02/2007 at 12:20
NOOSA MEAT FISH & POULTRY PTY LTD A.C.N. 099 569 810
OF PART OF THE GROUND FLOOR (LEASE 1002)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL

14. LEASE No 710341332 15/02/2007 at 12:22
SUNFONES PTY LTD A.C.N. 107 580 530
OF PART OF THE GROUND FLOOR (LEASE 1004)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL

15. LEASE No 710341336 15/02/2007 at 12:22
NOVELLINO PTY LTD A.C.N. 112 654 850
OF PART OF THE GROUND FLOOR (LEASE 1005/6)
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL

CURRENT TITLE SEARCH
NATURAL RESOURCES AND WATER, QUEENSLANDRequest No: 119180841
Search Date: 01/06/2007 11:03Title Reference: 50644777
Date Created: 08/01/2007

Previous Title: 50644775

REGISTERED OWNER

Dealing No: 710227519 04/01/2007

MIROSE PTY LTD A.C.N. 010 278 118

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 182880
County of MARCH Parish of TEWANTIN
Local Government: NOOSA SHIRE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 11714027 (Lot 29 on CP MCH390)
2. EASEMENT IN GROSS No 602533547 (G983354) 12/05/1983
burdening the land
THE SOUTH EAST QUEENSLAND ELECTRICITY BOARD
over
EASEMENT D ON RP177294
3. TRANSFER No 703629293 13/10/1999 at 13:58
EASEMENT IN GROSS: 602533547 (G983354)
SOUTH EAST QUEENSLAND ELECTRICITY CORPORATION LIMITED A.C.N.
078 849 055
4. EASEMENT IN GROSS No 602533548 (H49699) 04/08/1983
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT A ON RP183901
5. EASEMENT IN GROSS No 602533554 (L463025D) 23/04/1993
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF NOOSA
OVER EASEMENT W ON RP844425
6. MORTGAGE No 708119030 08/10/2004 at 09:06
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

Title Reference: 50644777
Date Created: 08/01/2007

16. LEASE No 710341339 15/02/2007 at 12:24
HAIRHOUSE WAREHOUSE LOCATIONS PTY LTD A.C.N. 100 495 985
OF PART OF THE GROUND FLOOR (LEASE 1007)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
17. LEASE No 710341342 15/02/2007 at 12:25
SANITY MUSIC STORES PTY LTD A.C.N. 072 187 298
OF PART OF THE GROUND FLOOR (LEASE 1008)
TERM: 12/10/2006 TO 11/10/2009 OPTION 3 YEARS
18. LEASE No 710341346 15/02/2007 at 12:26
ELECTRONICS BOUTIQUE AUSTRALIA PTY LIMITED A.C.N. 077 681
442
OF PART OF THE GROUND FLOOR (LEASE 1009)
TERM: 12/10/2006 TO 31/01/2012 OPTION NIL
19. LEASE No 710341348 15/02/2007 at 12:26
COTTON ON KIDS PTY LTD A.C.N. 114 221 886
OF PART OF THE GROUND FLOOR (LEASE 1010)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
20. LEASE No 710394533 07/03/2007 at 09:52
BLUEFISH BAR AND GRILL NOOSA PTY LTD A.C.N. 111 421 099
TRUSTEE
UNDER INSTRUMENT 710394533
OF PART OF THE GROUND FLOOR (LEASE 1038)
TERM: 12/10/2006 TO 11/10/2016 OPTION NIL
21. MORTGAGE No 710394574 07/03/2007 at 10:02
SUNCORP-METWAY LTD A.B.N. 66 010 831 722
over
LEASE: 710394533
22. LEASE No 710394559 07/03/2007 at 09:59
BLUEFISH BAR AND GRILL NOOSA PTY LTD A.C.N. 111 421 099
TRUSTEE
UNDER INSTRUMENT 710394559
OF PART OF THE GROUND FLOOR (LEASE 1001)
TERM: 18/11/2006 TO 17/11/2016 OPTION NIL
23. MORTGAGE No 710394582 07/03/2007 at 10:03
SUNCORP-METWAY LTD A.B.N. 66 010 831 722
over
LEASE: 710394559

Page 3/7

Title Reference: 50644777

EASEMENTS, ENCUMBRANCES AND INTERESTS

33. LEASE No 710509436 18/04/2007 at 11:11
EXECUTIVE INVESTMENTS AUSTRALIA PTY LTD A.C.N. 078 496 358
TRUSTEE
UNDER INSTRUMENT 710509436
OF PART OF THE GROUND FLOOR (LEASE 1034A)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
34. LEASE No 710509461 18/04/2007 at 11:13
RED ZOO PTY LTD A.C.N. 100 724 392 TRUSTEE
UNDER INSTRUMENT 710509461
OF PART OF THE GROUND FLOOR (LEASE 1055)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
35. LEASE No 710509474 18/04/2007 at 11:14
BUZZ HOLDINGS PTY LTD A.C.N. 099 411 060
OF PART OF THE GROUND FLOOR (LEASE 1067)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
36. LEASE No 710509483 18/04/2007 at 11:15
HEALTH MINDERS PTY LIMITED A.C.N. 002 202 913
OF PART OF THE GROUND FLOOR (LEASE 1068)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL
37. LEASE No 710509491 18/04/2007 at 11:16
PENNI PTY LTD A.C.N. 107 630 419
OF PART OF THE GROUND FLOOR (LEASE 1042)
TERM: 12/10/2006 TO 11/10/2012 OPTION NIL
38. LEASE No 710509500 18/04/2007 at 11:16
BUTTERFLY SILVER LEASING PTY LTD A.C.N. 114 378 531
OF PART OF THE GROUND FLOOR (LEASE 1043B)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
39. LEASE No 710509509 18/04/2007 at 11:17
JEANSWEST CORPORATION PTY LTD A.C.N. 007 305 839
OF PART OF THE GROUND FLOOR (LEASE 1050)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
40. LEASE No 710509517 18/04/2007 at 11:18
COLORADO GROUP LTD A.C.N. 004 327 566
OF PART OF THE GROUND FLOOR (LEASE 1056)
TERM: 12/10/2006 TO 11/10/2011 OPTION NIL
41. LEASE No 710509530 18/04/2007 at 11:19
BLUE & WHITE PTY LTD A.C.N. 079 627 393
OF PART OF THE GROUND FLOOR (LEASE 1060)
TERM: 12/10/2006 TO 11/10/2013 OPTION NIL

Page 5/7

CURRENT TITLE SEARCH
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 119180841

Search Date: 01/06/2007 11:03

Title Reference: 50644777

Date Created: 08/01/2007

EASEMENTS, ENCUMBRANCES AND INTERESTS

710631422	LEASE	30/05/2007 11:10	UNVERIFIED
710631434	LEASE	30/05/2007 11:11	UNVERIFIED
710631442	LEASE	30/05/2007 11:11	UNVERIFIED
710631453	LEASE	30/05/2007 11:12	UNVERIFIED
710631460	LEASE	30/05/2007 11:13	UNVERIFIED
710631471	LEASE	30/05/2007 11:14	UNVERIFIED
710631485	LEASE	30/05/2007 11:14	UNVERIFIED
710631501	LEASE	30/05/2007 11:15	UNVERIFIED
710631516	LEASE	30/05/2007 11:16	UNVERIFIED
710631527	LEASE	30/05/2007 11:17	UNVERIFIED
710631534	LEASE	30/05/2007 11:17	UNVERIFIED
710631540	LEASE	30/05/2007 11:18	UNVERIFIED
710631545	LEASE	30/05/2007 11:19	UNVERIFIED
710631556	LEASE	30/05/2007 11:19	UNVERIFIED
710631566	LEASE	30/05/2007 11:20	UNVERIFIED
710631575	LEASE	30/05/2007 11:21	UNVERIFIED
710634455	LEASE	30/05/2007 16:02	UNVERIFIED
710634473	LEASE	30/05/2007 16:03	UNVERIFIED
710634487	LEASE	30/05/2007 16:04	UNVERIFIED
710634496	LEASE	30/05/2007 16:05	UNVERIFIED
710634509	LEASE	30/05/2007 16:06	UNVERIFIED
710634514	LEASE	30/05/2007 16:07	UNVERIFIED
710634527	LEASE	30/05/2007 16:09	UNVERIFIED
710634550	LEASE	30/05/2007 16:11	UNVERIFIED
710634558	LEASE	30/05/2007 16:12	UNVERIFIED
710634562	LEASE	30/05/2007 16:13	UNVERIFIED
710634579	LEASE	30/05/2007 16:17	UNVERIFIED
710639634	LEASE	31/05/2007 16:29	UNVERIFIED

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES AND WATER) [2007]
Requested By: PUBLIC ACCESS RP SEARCHES

Page 7/7

(c) The State of Queensland (Department of Natural Resources) 2007
RP Data Ltd 01/06/2007 11:03

WARNING : Folded or mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

Registered

s. Lodged by

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We

(Names in full)

*as Registered Owners of this land agree to this plan and dedicate the Public Use
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

*as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees

sch4p4(6) Personal information



sch4p4(6) Personal information

sch4p4(6) Personal information

* Rule out whichever is inapplicable

2. Local Government Approval.

* Council of the Shire of Noosa

hereby approves this plan in accordance with the:

%

Integrated Planning Act 1997

Dated this 10th

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Bob Abbot, Mayor
Alan Rogers, A/CEO

* Insert the name of the Local Government. % Insert Integrated Planning Act 1997
Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement:

CMS Number:

Name:

4. References:

Dept File:

Local Govt:

Surveyor: 017090-04

6. Existing

Title Reference	Lot	Plan	Lots	Emts	Road
17154152	1	RP215933	1		New Rd
	2	SP182845	2	P, Q, R, S, T, U, V	New Rd

MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
602552172	1	
707084884	1	
708119030	2	
708492932	2	

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
602533548	1 & 2
602552169	1
602552170	1
602552171	1
602533547 (Emt.D on RP177294)	2
602533554	2
Emt E on SP167973	2

EXISTING COVENANT ALLOCATIONS

Covenant	Lots to be Encumbered
Cov I on SP182845	2
Cov J on SP182845	2
Cov K on SP182845	2
Cov L on SP182845	2

Easement A on RP183901 (602533548) & Covenant I
on SP182845 are partially absorbed by New Road.

1-2	Lot 29 on MCH390
Lots	Orig

7. Portion Allocation:

a. Map Reference:
9545-33421

9. Locality:

NOOSAVILLE

10. Local Government:

NOOSA S.C.

11. Passed & Endorsed:

By: BENNETT AND FRANCIS PTY LTD

sch4p4(6) Personal information

sch4p4(6) Personal information

Designation: Cadastral Surveyor/Director

12. Building Format Plans only.

I certify that:

* As far as it is practical to determine, no part
of the building shown on this plan encroaches
onto adjoining lots or road.

* Part of the building shown on this plan
encroaches onto adjoining * lots and road

Cadastral Surveyor/Director * Date

* delete words not required

13. Lodgement Fees:

Survey Deposit	\$.....
Lodgement	\$.....
..... New Titles	\$.....
Photocopy	\$.....
Postage	\$.....
TOTAL	\$.....

14. Insert

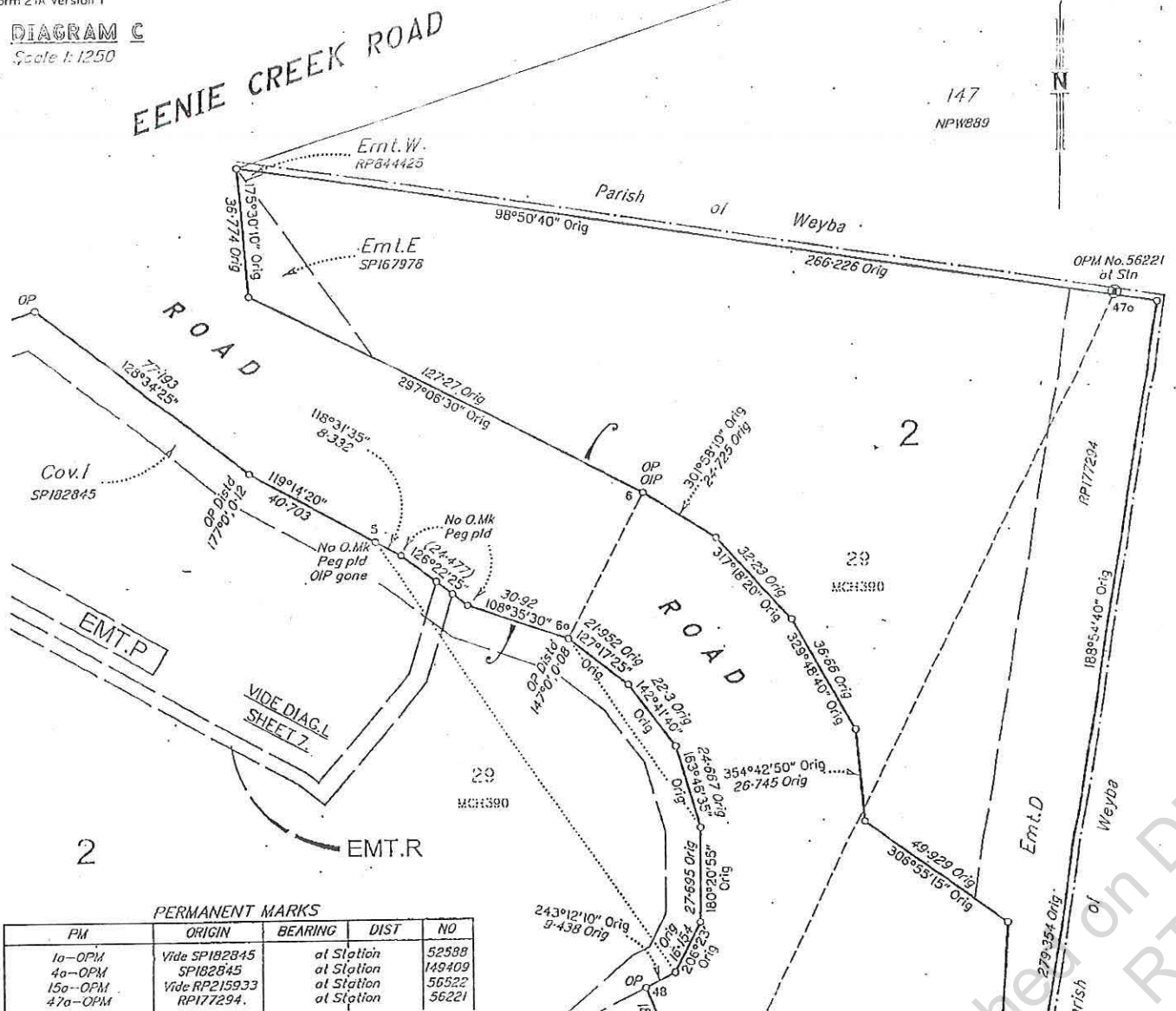
Plan

SP182880

DIAGRAM C
Scale 1:1250

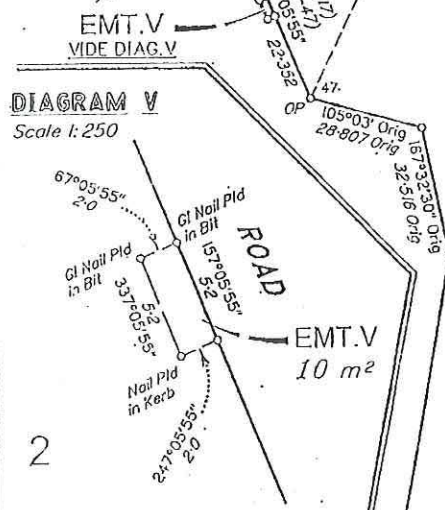
ADDITIONAL SHEET

Sheet 3 of 7



PM	ORIGIN	BEARING	DIST	NO
1a-OPM	Vide SPI82845	at Station		52598
4a-OPM	SPI82845	at Station		149409
15a-OPM	Vide RP215933	at Station		56522
47a-OPM	RP177294	at Station		56221

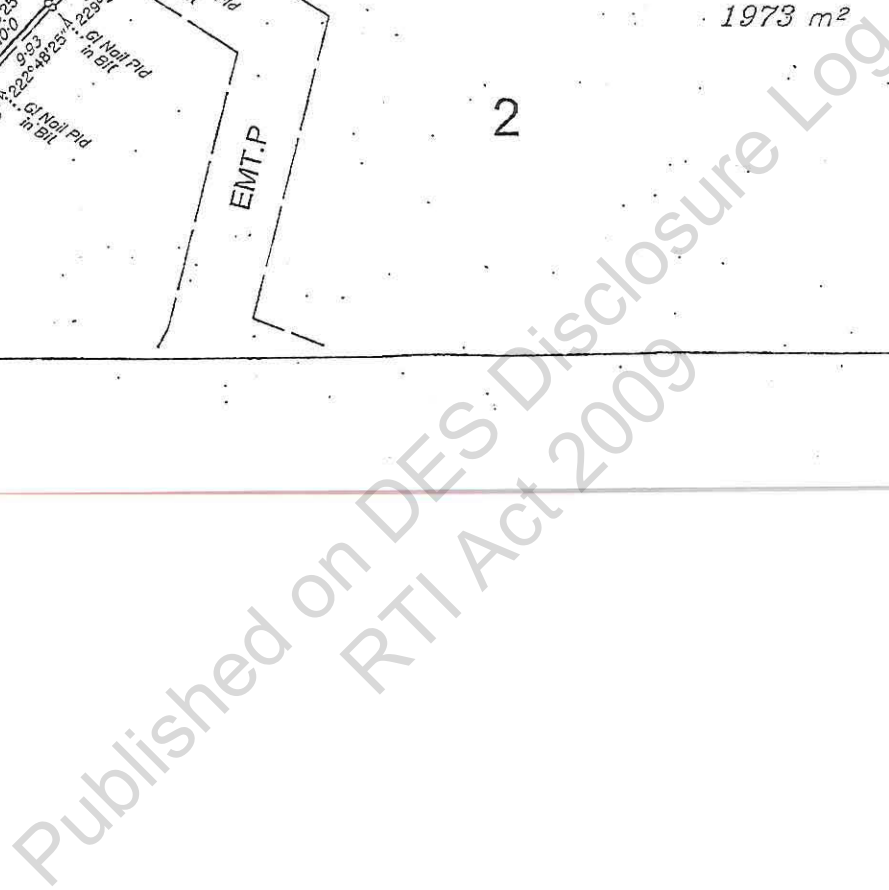
STN	TO	ORIGIN	BEARING	DIST
1	O.Screw gone	SPI82845	25°24'40"	55.02
1	Screw in Kerb		37°03'30"	24.211
2	Screw in Kerb		40°14'	4.578
3	Screw in Kerb		349°05'	5.885
4	OIP	Vide SPI82845	211°37'	1.34
5	OIP gone	Vide SPI82845	170°28'	1.11
6	OIP	SPI63572	331°49'	0.685
7	Screw in Kerb		358°24'	4.823
9	Screw in Kerb		320°12'	4.673
10	Screw in Kerb		306°02'	4.968
11	Nail in Kerb		254°37'	4.446
12	OIP gone	RP215933	328°23'20"	1.0
13	Nail in Headwall		189°40'20"	18.182
14	Pin		142°58'	0.947
16	OIP gone	Vide SPI82845	350°32'40"	1.0
17	OIP gone	RP215933	1°37'20"	1.0
18	OIP gone	RP215933	187°59'10"	1.0
19	OIP gone	RP215933	276°38'	2.252
20	OIP gone	Vide SPI82845	26°34'	0.969
21	OIP	RP215933	179°34'50"	1.0
22	OIP	RP215933	209°19'05"	1.0
23	Pin		76°48'	0.991
24	Pin		67°59'	1.627
25	Screw in Headwall		80°13'30"	10.672
26	Pin		142°37'	1.081
26	Screw in Manhole		99°31'	7.014
27	Screw in Manhole		299°24'40"	12.629
28	Screw in Kerb		163°44'10"	11.337
29	Screw in Kerb		213°41'	12.828
30	Screw in Kerb		353°46'	9.129
31	Screw in Kerb		241°59'	6.842
32	Screw in Kerb		232°17'	8.212
33	Screw in Kerb		216°28'	7.648
40	Pin		36°07'	1.268
43	Screw in Kerb		169°05'	8.101
45	Screw in Kerb		162°48'	4.502
46	OIP	RP215933	313°05'40"	1.0

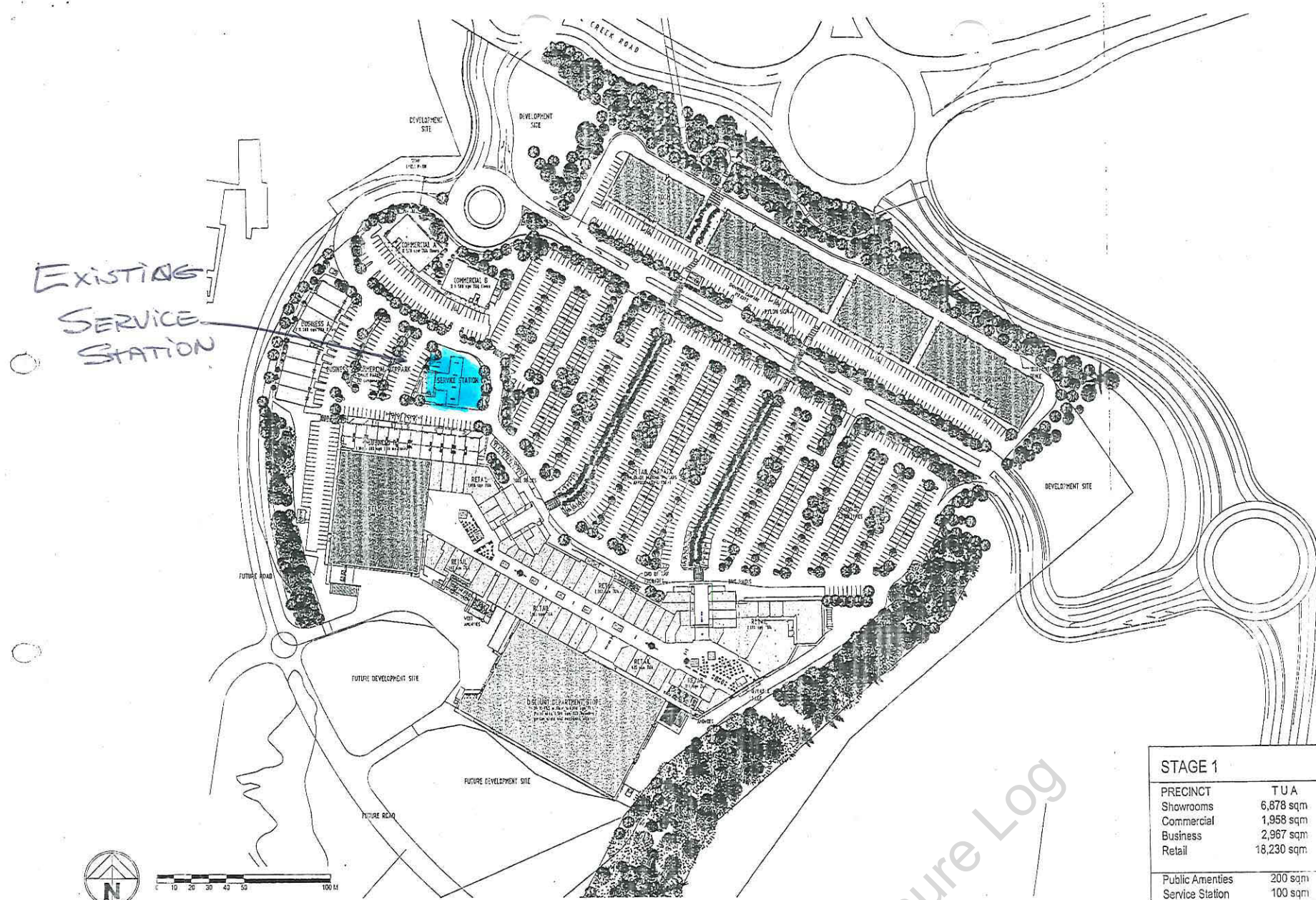


LINE	BEARING	DISTANCE
1-1a	300°41'50"	255.598
2-3	119°20'45"	37.479
4-4a	42°23'40"	122.643
5-5a	27°28'20"	46.976
6-15a	264°28'05"	159.543
8-44	329°50'35"	22.032
47-47a	25°41'05"	267.56

State copyright reserved.

Insert Plan Number SP182880





STAGE 1		
PRECINCT	T U A	CARS
Showrooms	6,878 sqm	192
Commercial	1,958 sqm	56
Business	2,967 sqm	156
Retail	18,230 sqm	1,012
Public Amenities	200 sqm	
Service Station	100 sqm	



0 10 20 30 40 50 100 M



NOOSA CIVIC

SITE PLAN
1:1000 (A1)

RET 0017 DA 01.1C/U
03 March 2005

STOCKWELL

Published on DES Database
RTI Act 2009

Enquiries Allen Johns
Telephone (07) 3224 5099
Your reference
Our reference Approval No.: IPCL01197308/ Ecotrack No: 320564/ File No: BNE35046



Queensland
Government

7 Oct 2008

Shineshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560
Attn: K Coyle

Environmental Protection Agency

Incorporating the
Queensland Parks and Wildlife Service

Integrated Planning Act 1997 (Material Change of Use)

(Application No: 2008/1414) Development approval for assessable development to be carried out at 28 Eenie Creek Road, Noosaville (Lot 2 on SP182880).

sch4p4(6) Personal information

The Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) has reviewed the supporting information for the above application and considers that an exemption stated in the *Integrated Planning Act 1997 (IP Act)*, Schedule 8, Part 1, Table 2, item 5(b) applies:

Item 5 - Making a material change of use of premises if all or part of the land forming part of the premises is on the environmental management register or contaminated land register under the *Environmental Protection Act 1994*, unless—

☒ **(b) there is currently a notifiable activity on the land and the activity is continuing.**

The removal of any contaminated soil from this site requires prior approval from the Environmental Protection Agency (EPA) (Contaminated Land Unit) under the section 424 of the *Environmental Protection Act 1994* (EP Act).

Should you require any further information in relation to the above please do not hesitate to contact the above officer on the telephone number listed above.

Yours sincerely

sch4p4(6) Personal information

**Team Leader (Contaminated Land Unit)
Environmental Services
Environmental Protection Agency**

Cc: WA Stockwell Pty Ltd
PO Box 3144
SOUTH BRISBANE QLD 4101
Attn L Porter



Allen Johns

From: Allen Johns
Sent: Tuesday, 7 October 2008 12:51 PM
To: Simon Stirrat
Subject: FW: Bring Up - 320564 - Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd

Hi Simon,

Please be advised that the below MCU is exempted works by contaminated land. As such please issue your advice response at your own time as we have no role. If you need to view the application the file reference is BNE35046. Ta Allen

From: John Harden
Sent: Wednesday, 17 September 2008 1:13 PM
To: Jan Wilcox
Cc: Simon Stirrat; Kim Barry; Allen Johns
Subject: FW: Bring Up - 320564 - Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd

Jan, Simon Stirrat will probably be project managing this when it comes in.

Could you please update the spreadsheet for the new project accordingly (Brisbane North): response due 24 October 2008?

Simon, when the project comes in from ECSU I will forward to you. Simon you may have dealt with this site previously.

John Harden

A/Manager SEQ Natural Services

16th Floor 288 Edward Street Brisbane 4000

Ph: (07) 3224 6233

Fax: (07) 3238 3514

E-mail: john.harden@epa.qld.gov.au

Visit us online at www.epa.qld.gov.au

-----Original Message-----

From: juleyn.uatuka@epa.qld.gov.au [mailto:juleyn.uatuka@epa.qld.gov.au]

Sent: Monday, 15 September 2008 2:49 PM

To: John Harden

Subject: Bring Up - 320564 - Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd

CC : There is a bring up for your attention for reference - 320564 - Advice - MCU of land in or within 100m of a wetland/28 Eenie Creek, Noosaville 4566/WA Stockwell Pty Ltd. You can see the form using the following link: http://bneapp01.epa.qld.gov.au/forms/frmservlet?config=cedsprd&otherparams=term=C:\ora00\apps\ecotrack\java\keymap.res+p_database=trees/PRD1+p_cmd_line=CE_AD_OFFICER_TASKS

Note: This is an automated message. Please do not reply as no one will receive.

BNE 35046
Vol 3



W.A. STOCKWELL PTY LTD
10 / 211 Montague Rd
West End QLD 4101
PO Box 3144
South Brisbane QLD 4101
T: 07 3004 6888
F: 07 3004 6899
www.stockwell.com.au
ABN 50 010 095 360

12 September 2008

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001



Dear Sir/Madam,

**Re Development Permit for Material Change of Use –Entertainment and Dining Business
Type 2 – TAB situated at 28 Eenie Creek Road Noosaville described as Lot 2
SP182880.**

Council Application No: 2008/1414

Please find **enclosed** the following additional documentation associated with the above development application:

1. Duly executed IDAS Application Form 1, Part N;
2. Notice of land on environmental management register; and
3. Site Plan indicating location of Service Station.

If you have any queries, please contact me on 07 3004 6858.

Yours faithfully,
W.A STOCKWELL PTY LTD

sch4p4(6) Personal information

sch4p4(6) Personal information

Development Manager





Form 1 Development Application

idas

Part N

Contaminated land

Nature of the application and contamination

1. What is the nature of the application and the nature of the contamination on the premises? (Tick applicable box/es)

Nature of the application	Nature of the contamination
☒ Material change of use	☒ (i) All or part of the premises is on the Environmental Management Register
☐ Reconfiguring a lot	☐ (ii) All or part of the premises is on the Contaminated Land Register
	☒ (iii) All or part of the premises is currently used for, or if there is no existing use, was last used for -
	☒ (a) a notifiable activity
	☐ (b) an industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose (including a caretaker residence on industrial land)
	☐ (iv) In an area for which an 'area management advice' has been given for natural mineralisation or industrial activity and the proposed use is for a child care centre, educational, recreational or residential purpose (including a caretaker residence on industrial land)
	☐ (v) In an area for which an 'area management advice' has been given for unexploded ordnance

Mandatory information

2. Confirm the following mandatory information accompanies this application.

	Confirmation of lodgement	Method of lodgement
(i) Plans showing where any notifiable activities, hazardous contaminant or potentially contaminated activity has occurred on the premises	☒ Confirmed	email
(ii) If the application involves a material change of use from an industrial use to a more sensitive use (e.g. child care, educational, recreational or residential purpose, including a caretaker residence on industrial land), a detailed site history outlining previous potentially contaminated uses on the premises	☐ Confirmed ☒ Not applicable	

OFFICE USE ONLY

Date received		Reference numbers	
---------------	--	-------------------	--

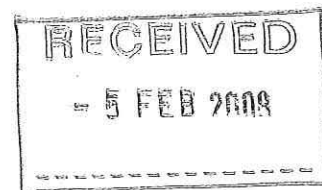
Advice for completing Part N

General advice

- Part A must also be completed for all IDAS development applications.
- All questions must be answered unless, following a response, there is a statement to go directly to a particular question.
- For further information about completing this form go to -
 - IDAS Guide 5 (Contaminated land matters)
 - EPA contaminated land website.

29 January 2008

Site ID: 78766
File Number: BNE35046
Enquiries to: Contaminated Land Unit
Telephone: (07) 322 58487



MIROSE PTY LTD
PO BOX 3144
SOUTH BRISBANE QLD 4101

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 2 Plan: SP182880
NOOSA SHIRE COUNCIL

28 EENIE CREEK ROAD
NOOSAVILLE QLD 4565

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

SERVICE STATIONS - operating a commercial service station.

The owner may apply for a review of the decision to record the land in the EMR within 14 days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

- a notice of the application (the "review notice");
- a copy of the application and supporting documents.

The review notice must inform the local government that submissions on the application may be made within 7 days after the application is made to the EPA, as required by section 521(4) of the *EP Act*. A land owner dissatisfied with a review decision may appeal against the decision in accordance with section 531 of the *EP Act*. A copy of sections 521 and 531 is attached to this notice.

Please note that the listing of a site on the EMR does not imply that the EPA considers the site to be "contaminated", nor does it require that the land be investigated and remediated. The listing does not imply that this site is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Environmental Authority issued for this site. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use. In the event that the site is redeveloped, the EPA may require that remediation or management of any contamination be conducted to protect public health and the environment.

It should also be noted that, with the issuing of this Notice under section 374, the following requirements apply under section 421 of the *EP Act*.

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the particulars of the land have been recorded in the register.

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, EPA on telephone (07) 322 58487. Further information about contaminated land matters may be obtained by visiting our web-site at: www.epa.qld.gov.au/environment/business/contaminated.

sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994

Published on DES Disclosure Log
RTI Act 2009



STAGE 1		
PRECINCT	T U A	CARS
Showrooms	6,878 sqm	192
Commercial	1,958 sqm	56
Business	2,967 sqm	156
Retail	18,230 sqm	1,012
Public Amenities	200 sqm	
Service Station	100 sqm	



W.A. STOCKWELL PTY LTD

399 Montague Rd
West End QLD 4101

PO Box 3144
South Brisbane QLD 4101

T: 07 3004 6888

F: 07 3004 6899

www.stockwell.com.au

ABN 50 010 095 360

18 November 2011

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001



Dear Sir/Madam,

Re Registration confirmation of Lots 3 & 4 and Covenant Y on SP246584, 28 Eenie Creek Road Noosaville.

We wish to advise that in accordance with Decision Notice 2008/751 to Reconfigure a Lot – 1 lot into 2 Lots on land at 28 Eenie Creek Road Noosaville, Lot 2 on SP182880 has been cancelled and Lots 3 & 4 on SP246584 have been endorsed by Council.

It is a requirement of the Decision Notice that we provide a copy of the registered plan to the EPA as concurrence agency to enable the removal of Lot 4 from the Environmental Management Register.

Please find attached the following for your reference:

1. Decision Notice dated 6th August 2009
2. Plan of Lots 3,4 and Covenant Y on SP246584

If further clarification is required please do not hesitate to contact myself on 0403181767 or (07) 30046858.

Yours faithfully,
W.A STOCKWELL PTY LTD

sch4p4(6) Personal information

Development Manager

Officer: Tracy Jones
Direct Telephone: (07) 5449 5228
Response Address: Locked Bag 72
Sunshine Coast Mail Centre QLD 4560
Email: tracy.jones@sunshinecoast.qld.gov.au
Our Reference: 2008/751
Your Reference:

6 August 2009

Stockwell Building & Development
PO Box 3144
SOUTH BRISBANE QLD 4101



Dear Sir/Madam

Decision Notice

Integrated Planning Act 1997



I refer to your application and advise that on 27 July 2009 Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

1 APPLICATION DETAILS

Application No: 2008/751
Street address: 28 Eenie Creek Road, Noosaville
Real property description: Lot 2 SP 182880
Planning Scheme: The Noosa Plan

2 DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot - 1 lot into 2 Lots

3 RELEVANT PERIOD OF APPROVAL

The relevant period for this Development Approval is identified in the Assessment Manager conditions.

4 ASSESSMENT MANAGER CONDITIONS

Approved Plans

1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table and as may be amended by these conditions.

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

Page 1 of 14

Plan of Survey

2. Security in the form of a cash bond or trading bank guarantee to the sum of \$5,000 must be submitted, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works.
3. Pursuant to Section 3.5.21(2)(a) of the *Integrated Planning Act 1997*, the relevant period is two (2) years from the day this permit takes effect and ending on **27 July 2011** during which time all conditions must have been complied with, and the Plan of Survey lodged with Sunshine Coast Regional Council (Council) for endorsement.
4. In conjunction with the lodgement of the Plan of Survey for Council endorsement, legal documentation must be presented to Council and must be submitted in the correct form with the fees prescribed in Council's adopted fee schedule.
5. Pursuant to Section 3.7.3(3)(b) of the *Integrated Planning Act 1997*, all outstanding rates and charges due and payable to Sunshine Coast Regional Council in respect of the lots being reconfigured must be paid prior to endorsement of the Survey Plan.
6. Any changes required by Council's Solicitor must 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.

Road Dedication

7. Those parts of the subject site affected by the roundabout constructed at the southern corner of the proposed Lot 4 shall be dedicated to the public as road. The alignment of the frontage boundaries for proposed Lots 3 and 4 adjacent to the roundabout shall be:
 - 7.1. On the northern side of the roundabout and road tapers, 4.5 metres offset from the new kerb and channel, and
 - 7.2. On the eastern side of the roundabout sufficient to include the new footpaths and splitter islands in road reserve

Telecommunications

8. The requirements for TELECOMMUNICATION services shall be satisfied in relation to the provision of new telecommunications 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.

Electricity

9. 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.
 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.

Vegetation Protection & Preservation

10. The Private Open Space area - OS3 shall be protected by a registered Statutory Covenant (preservation of visual amenity), which shall ensure that the existing and restored native vegetation is maintained in accordance with the approved Site Rehabilitation Management Plan and to the satisfaction of Council. No public access is to be permitted through OS3, which is to be ecologically restored. OS3 is to be kept free from development infrastructure. The terms of the Statutory Covenant shall be approved by the Coordinator Planning Applications. The covenant is to be registered on title with the Department of Natural Resources and Water in conjunction with the sealing of the Survey Plan by Council. The costs associated with the preparation and registration of the covenant shall be borne by the applicant.
11. Existing trees on the site and within road reserves are to be retained, except where required to be removed due to building operations or the conduct of the approved use.

Environmental Weeds

12. 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. 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.

Water Supply and Sewer Mains

13. The applicant must provide reticulated water and sewerage to each lot within the development in accordance with the Noosa Plan, Council's water and sewerage design guidelines and the requirements of the Assessment Manager.
14. The applicant must provide water connections to the water reticulation system. Connections must extend to the property boundary and be metered. Where multiple units including leased buildings are served by a single service, multiple water meters to each individual unit or leased building shall be installed. These meters must be supplied and installed in accordance with Councils requirements.
Connection to a Council water main shall be undertaken by Council at the applicants expense.
15. The applicant must provide a reticulated sewerage system to connect all lots within the development site to Council's existing sewerage reticulation system in accordance with the Noosa Plan and Councils engineering design standards.
16. Any alteration of a public utility or other facility necessitated by development of the land or associated construction works either internal or external to the site shall be at the applicant's expense.

Service Easements (Sewer)

17. Registered easements are to be provided on the Plan of Survey over all sewerage mains located 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.
18. No building or other structure shall be constructed or encroach over an easement.

Earthworks

19. Earthworks required on site shall be carried out in accordance with Council's Planning Scheme Policy PSP5 – Engineering Design Standards, so as not to cause the additional ponding of water on any adjoining lands or the blockage of, or interference with, any natural watercourses.
20. Earthworks carried out on site shall not affect the structural integrity of any of the existing fences and/or structures and/or lands that border the development site. Fences that are affected shall be replaced prior to the Building Certifier issuing the Certificate of Classification.

Erosion and Sediment Control

21. 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.

General

22. 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.
23. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
24. The transportation of all materials to and from the site shall be undertaken in a manner such that no particle 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.

5 REFERRAL AGENCY CONDITIONS

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency	Referral Address
Easement & Substation	Advice	Energex	GPO Box 1461 BRISBANE QLD 4001
Contamination	Concurrence	Environmental Protection Agency	GPO Box 2771 BRISBANE QLD 4001

A copy of any referral agency conditions is attached.

6 APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

7 ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

1. For the purpose of these conditions, the following definitions apply:-
 - 1.1. 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*.

- 1.2. The **person acting on this permit** means any person or company who undertakes development pursuant to this permit
2. As the site is located below the 20m AHD and above the 5m AHD, any excavation works consisting of 100m³ or greater which extends below 5m AHD will need to be carried out in accordance with State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils*. In this regard, depending on the extent of excavations required, appropriate testing and supporting documentation prepared by a suitably qualified specialist may need to be submitted to Council for approval prior to obtaining a Development Permit for Operational Works.
3. The application for a water connection must include appropriate hydraulic drawings for a separate domestic and fire main located outside the property boundary or alternatively a water metering service to the satisfaction of the assessment manager.
4. 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
Shire Business Centre	1 x Lot	Shire Business Centre	2 x Lots
Development uses and quantities applicable to this land in accordance with Material Change of Use approvals issued per 22803 DA, 2007/1461 and 2008/1414 and subject to the Infrastructure Agreement for the Noosa Shire Business Centre dated 3 October 2003.			

5. 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.

Aboriginal Cultural Heritage Act 2003

There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* (ACH Act).

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage". It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the ACH Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3238 3838 to discuss any obligations under the ACH Act.

8 PROPERTY NOTES

Not Applicable.

9 PRELIMINARY APPROVAL OVERRIDING SCHEME

Not Applicable.

10 FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

11 SELF ASSESSABLE CODES

Not Applicable.

12 SUBMISSIONS

Not Applicable.

13 REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

14 RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

During the appeal period, you as the applicant may make written representations to Council about the conditions contained within the development approval. If Council agrees or part agrees with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will continue after Council makes its decision. (Refer to sections 3.5.17 and 3.5.18 of the *Integrated Planning Act 1997*).

15 OTHER DETAILS

Should you wish to obtain more information about Council's decision electronic copies are available on line at www.sunshinecoast.qld.gov.au, or at Council Offices.

Yours faithfully,

sch4p4(6) Personal information

COORDINATOR PLANNING APPLICATIONS (NORTH)

Sunshine Coast
Regional Council

Referral Agency Conditions

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone (07) 3225 1827 Fax (07) 3247 3278
www.epa.qld.gov.au ABN 87221158786



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997

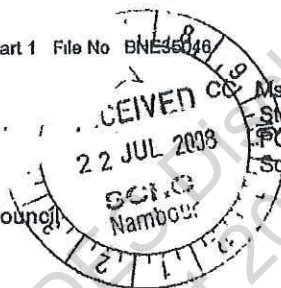
SCRC CORRESPONDENCE



S0010191

This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, to advise you of a decision or action

Enquires to Allen Johns
Telephone (07) 3224 5099
Your reference 2008/751
Our reference Appl'n 78766 Part 1 File No BNE35048



Ms Leanne Porter
Stockwell Pty Ltd
PO Box 3144
South Brisbane QLD 4101

Sunshine Coast Regional Council
Locked Bag 72 Mail Centre
NAMBOUR QLD 4560

Attention Mr Mark Lewis

Re: Application (No. 2008/751) for development approval for assessable development to be carried out at 28 Eenie Creek Road NOOSAVILLE (Lot 2 on SP182880).

Pursuant to the following items of Table 2 Schedule 2 of the Integrated Planning Regulation 1998, the Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) is a concurrence agency for the development application:

- ☒ Item 21, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998
- ☐ Item 22, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

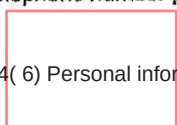
The EPA-CLU, acting as a concurrence agency under the Integrated Planning Act 1997, provides its response to the application detailed above as attached

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions)

The EPA-CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided

sch4p4(6) Personal information



10/06/08
Date

**Delegate of Administering Authority
Environmental Protection Act 1994.**

Council Application Number: 2008/751
EPA Application Number: 78766 Part 1

Concurrence agency response
Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997

Applicant: WA Stockwell Pty Ltd
Council Application Number: 2008/751
EPA Application Number: 78766 Part 1
Date application received by EPA: 20/05/2008
Relevant Laws and Policies: Environmental Protection Act 1994
Jurisdiction: Chapter 7, Part 3 Environmental Protection Act 1994

Development Description:

Reconfiguration of a lot - 2 lots

where

- ☐ the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*
- ☐ the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity
- ☒ the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.
- ☐ the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes
- ☐ the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued

at the following place(s):

23 Eerie Creek Road NOOSAVILLE
(Lot 2 on SP182880)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above:

The concurrence agency response is that

- ☒ conditions must attach to any development approval
- ☐ any approval must be for part only of the development
- ☐ any approval must be a preliminary approval only
- ☐ there are no concurrence agency requirements
- ☐ the application must be refused

Page 2 of 3

Council Application Number	2015/751
EPA Application Number	78767 Part 1

Conditions of the development approval

The reconfiguration of the Lot 2 on SP182880 where the notifiable activity No. 34 - service station has been carried out must be in accordance with the proposed survey plan of Lots 3 & 4 plan drawing number 021434 01 prepared by Bennett & Francis Pty Ltd dated 13/3/2008

It is a requirement that the applicant notify the Environmental Protection Agency (EPA) (Contaminated Land Unit) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the EPA (Contaminated Land Unit) to enable the removal of proposed lot 4 from the Environmental Management Register (EMR)

Additional comments or advice about the application

The approval of the reconfiguration of the Lot 2 on SP182880 does not imply material change of use approval

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required

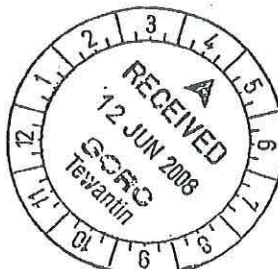
~ End of Concurrence Agency Response ~

Page 3 of 3

Page 9 of 14

11 June 2008

Stockwell
PO Box 3144
SOUTH BRISBANE 4101



Attention: (6) Personal information

cc Sunshine Coast Regional Council
PO Box 141
TEWANTIN QLD 4565
Attention: Mark Lewis

Dear Leanne

Application for a Reconfiguring a Lot- Noosa Civic Stage Two located at 28 Eerie Creek Road, Noosaville; described as Lot 2 on SP182880.
Council ref: 2008/751
Our ref: HBD 734758 148970

We refer to your correspondence regarding the above application. ENERGEX Limited acting as an Advice Agency has **no objection** to the proposed Reconfiguration of a Lot, subject to the following conditions:

- All easement conditions must be maintained.
- Detailed Civil Design plans are required for any cut and fill on the easement; plans should include the location of the ENERGEX assets in relation to the proposed development.

Please note that all previous conditions must be adhered to and that ENERGEX may, at its discretion, audit the finished development to check that it conforms to the conditions of the development.

When considering construction work in the vicinity of ENERGEX assets, please be aware of the following general conditions:

- Satisfactory clearance from your proposed structure to the existing (and future) electricity wires must be maintained in accordance with the Electrical Safety Regulations 2002.
- No civil works are to occur within 5 metres of any part of an ENERGEX Structure (e.g.- tower base, pole or stay) without ENERGEX approval.
- If the minimum 5m horizontal separation to the ENERGEX structure cannot be achieved, the Developer must consult ENERGEX with regards to allowable construction methods. This may include full depth shoring of the excavation sides for a minimum of 5 metres either side of the structure.

Reference: HBD 734758 148970



Enquiries
(6) Personal information
Telephone
(07) 3407 4815
Facsimile
(07) 3407 4144
Email

sch4p4(6) Personal information

Corporate Office
150 Charlotte Street
Brisbane Qld 4000
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3407 4000
Facsimile (07) 3407 4609
www.energex.com.au

ENERGEX Limited
ABN 40 078 849 055

Page 10 of 14

- Any excavations deeper than 5m must have a minimum horizontal separation from the excavation to any tower, base or pole at least equal to the excavation depth. The excavation is not to be left open overnight and backfill is to be compacted in 150mm layers in the immediate vicinity of the structure.
- 10 metres clear access must be provided around all towers and pole structures after the completion of any works on the easement.
- Natural ground level on the easement should not be disturbed without ENERGEX approval.
- Final ground levels should slope gently to the edge of the easement, surrounding area or kerb such that pooling of water on the easement is avoided and conductor ground clearances are not decreased.
- Stockpiling of spoil on the easement is prohibited.
- Lighting structures are not permitted in the easement without prior written consent of ENERGEX. Lighting designs for proposed developments (e.g. road, carparks etc) on the easement are likely to require reduced height structures. Please submit detailed design to ENERGEX for approval. These drawings must clearly show the following;
 - Proposed height of the lighting structures and the ground level at the structure base,
 - Relative (to lighting structures) ground elvies at ENERGEX structures (towers, pole etc) either side of the lighting structures, and
 - The location of the ENERGEX structures in relation to the proposed lighting
- Underground services should be kept to the outer edge of the easement and any crossing of the easement should be clearly marked. Please submit the relevant design drawings to the Principal Mains Design Engineer for review. The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.
- Any cut in the vicinity of a structure or between a structure and the road kerb will need to be stabilised by a retaining wall. The retaining wall design and location is to be submitted to ENERGEX for approval.
- Access to the easement and access along the easement must be available to ENERGEX personnel and heavy equipment at all times. ENERGEX will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area. To enable travel along the easement at anytime the gates must be series locked with an ENERGEX padlock. Both the padlock and a design drawing of an acceptable gate will be provided by ENERGEX.
- Any costs incurred by ENERGEX as a result of the works on the easement are to be met by the property Developer / owner.
- At all times the following clearance must be maintained from the top of any machinery moving in the vicinity of energised conductors:
 - 132kV and 110kV conductors – 4.5m minimum clearance
 - 33kV and 11kV conductors – 3m minimum clearance

Reference: HBD734758 148970

- Should it be necessary to transport equipment or extend any equipment, such that these clearances cannot be confidently maintained, you are required to contact our office to ascertain whether a Safety Officer is required on-site. All operators of machinery are to be made aware of the presence of high voltage conductors.
- Any proposal for landscaping on the easement must have prior approval from ENERGEX. Please submit the relevant landscaping design to Principal Mains Design Engineer for approval. When considering landscape designs the planting of trees must be kept to the edges of the easement and not under any overhead conductors. When mature, plants or trees must not grow in excess of 3.5 metres in height. If pertinent the ENERGEX Guide to "Powerline Friendly Plants" will be enclosed, please refer to this Guide for recommended species.

Should you require any further information on the above matter, please contact the undersigned on (07) 3407 4815.

Yours faithfully

sch4p4(6) Personal information

Town Planner
Network Development and Property Department
ENERGEX Limited

Reference: HBD734758 148970

Sunshine Coast Regional Council

Appeal Rights

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

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 relevant 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 relevant 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.

a. _____

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

(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 relevant 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.

(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.

For Building Works Only

Rights of appeal conferred by Section 4.2.9 of the *Integrated Planning Act 1997* as follows:

Division 3 – Appeals to tribunals relating to development applications

Appeals by applicants

4.2.9(1) An applicant for a development application may appeal to the Building and Development Tribunal 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;³
- (c) the decision to give a preliminary approval when a development permit was applied for;

a. _____

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

³ Section 3.1.6 (Preliminary approval may override local planning instrument)

(d) the length of a period mentioned in section 3.5.21 relevant 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.

The Registrar for the Building and Development Tribunal may be contacted at the website <http://www.localgovernment.qld.gov.au/>

For Infrastructure Charges Only

4.1.36 Appeals about particular infrastructure charges

(1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice.

(2) The person may appeal to the court against the notice.

(3) The appeal must be started within 20 business days after-

- (a) if the notice is given because of a development approval or master plan approval-the day the applicant is given notice of the decision about the approval; or
- (b) otherwise-the day the notice is given to the person.

(4) An appeal under this section may only be about-

- (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
- (b) an error in the calculation of the charge.

(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule or regulated State infrastructure charges schedule.



W.A. STOCKWELL PTY LTD

399 Montague Rd
West End QLD 4101

PO Box 3144
South Brisbane QLD 4101

T: 07 3004 6888

F: 07 3004 6899

www.stockwell.com.au

ABN 50 010 095 360

29 February 2012

Environmental Protection Agency
Contaminated Land Unit
GPO Box 2771
Brisbane 4001

Dear Sir/Madam,

Re Registration confirmation of Lots 3 & 4 and Covenant Y on SP246584, 28 Eenie Creek Road Noosaville.

We wish to advise that in accordance with Decision Notice 2008/751 to Reconfigure a Lot – 1 lot into 2 Lots on land at 28 Eenie Creek Road Noosaville, Lot 2 on SP182880 has been cancelled and Lots 3 & 4 on SP246584 have been endorsed by Council.

It is a requirement of the Decision Notice that we provide a copy of the registered plan to the EPA as concurrence agency to enable the removal of Lot 4 from the Environmental Management Register.

Please find attached the following for your reference:

1. Decision Notice dated 6th August 2009
2. Plan of Lots 3,4 and Covenant Y on SP246584

If further clarification is required please do not hesitate to contact myself on 0403181767 or (07) 30046858.

Yours faithfully,
W.A STOCKWELL PTY LTD

[Redacted signature box]

sch4p4(6) Personal information

Development Manager

Officer: Tracy Jones
Direct Telephone: (07) 5449 5228
Response Address: Locked Bag 72
Sunshine Coast Mail Centre QLD 4560
Email: tracy.jones@sunshinecoast.qld.gov.au
Our Reference: 2008/751
Your Reference:

6 August 2009

Stockwell Building & Development
PO Box 3144
SOUTH BRISBANE QLD 4101



Dear Sir/Madam

Decision Notice

Integrated Planning Act 1997

I refer to your application and advise that on 27 July 2009 Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

1 APPLICATION DETAILS

Application No: 2008/751
Street address: 28 Eenie Creek Road, Noosaville
Real property description: Lot 2 SP 182880
Planning Scheme: The Noosa Plan

2 DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot - 1 lot into 2 Lots

3 RELEVANT PERIOD OF APPROVAL

The relevant period for this Development Approval is identified in the Assessment Manager conditions.

4 ASSESSMENT MANAGER CONDITIONS

Approved Plans

1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table and as may be amended by these conditions.

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

Page 1 of 14

Plan of Survey

2. Security in the form of a cash bond or trading bank guarantee to the sum of \$5,000 must be submitted, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Operational Works.
3. Pursuant to Section 3.5.21(2)(a) of the *Integrated Planning Act 1997*, the relevant period is two (2) years from the day this permit takes effect and ending on **27 July 2011** during which time all conditions must have been complied with, and the Plan of Survey lodged with Sunshine Coast Regional Council (Council) for endorsement.
4. In conjunction with the lodgement of the Plan of Survey for Council endorsement, legal documentation must be presented to Council and must be submitted in the correct form with the fees prescribed in Council's adopted fee schedule.
5. Pursuant to Section 3.7.3(3)(b) of the *Integrated Planning Act 1997*, all outstanding rates and charges due and payable to Sunshine Coast Regional Council in respect of the lots being reconfigured must be paid prior to endorsement of the Survey Plan.
6. Any changes required by Council's Solicitor must 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.

Road Dedication

7. Those parts of the subject site affected by the roundabout constructed at the southern corner of the proposed Lot 4 shall be dedicated to the public as road. The alignment of the frontage boundaries for proposed Lots 3 and 4 adjacent to the roundabout shall be:
 - 7.1. On the northern side of the roundabout and road tapers, 4.5 metres offset from the new kerb and channel, and
 - 7.2. On the eastern side of the roundabout sufficient to include the new footpaths and splitter islands in road reserve

Telecommunications

8. The requirements for TELECOMMUNICATION services shall be satisfied in relation to the provision of new telecommunications 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.

Electricity

9. 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.
 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.

Vegetation Protection & Preservation

10. The Private Open Space area - OS3 shall be protected by a registered Statutory Covenant (preservation of visual amenity), which shall ensure that the existing and restored native vegetation is maintained in accordance with the approved Site Rehabilitation Management Plan and to the satisfaction of Council. No public access is to be permitted through OS3, which is to be ecologically restored. OS3 is to be kept free from development infrastructure. The terms of the Statutory Covenant shall be approved by the Coordinator Planning Applications. The covenant is to be registered on title with the Department of Natural Resources and Water in conjunction with the sealing of the Survey Plan by Council. The costs associated with the preparation and registration of the covenant shall be borne by the applicant.
11. Existing trees on the site and within road reserves are to be retained, except where required to be removed due to building operations or the conduct of the approved use.

Environmental Weeds

12. 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. 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.

Water Supply and Sewer Mains

13. The applicant must provide reticulated water and sewerage to each lot within the development in accordance with the Noosa Plan, Council's water and sewerage design guidelines and the requirements of the Assessment Manager.
14. The applicant must provide water connections to the water reticulation system. Connections must extend to the property boundary and be metered. Where multiple units including leased buildings are served by a single service, multiple water meters to each individual unit or leased building shall be installed. These meters must be supplied and installed in accordance with Councils requirements.
Connection to a Council water main shall be undertaken by Council at the applicants expense.
15. The applicant must provide a reticulated sewerage system to connect all lots within the development site to Council's existing sewerage reticulation system in accordance with the Noosa Plan and Councils engineering design standards.
16. Any alteration of a public utility or other facility necessitated by development of the land or associated construction works either internal or external to the site shall be at the applicant's expense.

Service Easements (Sewer)

17. Registered easements are to be provided on the Plan of Survey over all sewerage mains located 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.
18. No building or other structure shall be constructed or encroach over an easement.

Earthworks

19. Earthworks required on site shall be carried out in accordance with Council's Planning Scheme Policy PSP5 – Engineering Design Standards, so as not to cause the additional ponding of water on any adjoining lands or the blockage of, or interference with, any natural watercourses.
20. Earthworks carried out on site shall not affect the structural integrity of any of the existing fences and/or structures and/or lands that border the development site. Fences that are affected shall be replaced prior to the Building Certifier issuing the Certificate of Classification.

Erosion and Sediment Control

21. 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.

General

22. 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.
23. Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
24. The transportation of all materials to and from the site shall be undertaken in a manner such that no particle 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.

5 REFERRAL AGENCY CONDITIONS

The referral agencies applicable to this application are:

Referral Trigger	Referral Status	Referral Agency	Referral Address
Easement & Substation	Advice	Energex	GPO Box 1461 BRISBANE QLD 4001
Contamination	Concurrence	Environmental Protection Agency	GPO Box 2771 BRISBANE QLD 4001

A copy of any referral agency conditions is attached.

6 APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan No.	Rev.	Plan Name	Date
021434.01		Proposed Subdivision of Lots 3 & 4, Cancelling Lot 2 on SP 182880 prepared by Bennett & Francis Pty Ltd	18/06/08

7 ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

1. For the purpose of these conditions, the following definitions apply:-
 - 1.1. 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*.

- 1.2. The **person acting on this permit** means any person or company who undertakes development pursuant to this permit
2. As the site is located below the 20m AHD and above the 5m AHD, any excavation works consisting of 100m³ or greater which extends below 5m AHD will need to be carried out in accordance with State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils*. In this regard, depending on the extent of excavations required, appropriate testing and supporting documentation prepared by a suitably qualified specialist may need to be submitted to Council for approval prior to obtaining a Development Permit for Operational Works.
 3. The application for a water connection must include appropriate hydraulic drawings for a separate domestic and fire main located outside the property boundary or alternatively a water metering service to the satisfaction of the assessment manager.
 4. 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
Shire Business Centre	1 x Lot	Shire Business Centre	2 x Lots
Development uses and quantities applicable to this land in accordance with Material Change of Use approvals issued per 22803 DA, 2007/1461 and 2008/1414 and subject to the Infrastructure Agreement for the Noosa Shire Business Centre dated 3 October 2003.			

5. 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.

Aboriginal Cultural Heritage Act 2003

There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* (ACH Act).

The ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage". It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the ACH Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3238 3838 to discuss any obligations under the ACH Act.

8 PROPERTY NOTES

Not Applicable.

9 PRELIMINARY APPROVAL OVERRIDING SCHEME

Not Applicable.

10 FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

11 SELF ASSESSABLE CODES

Not Applicable.

12 SUBMISSIONS

Not Applicable.

13 REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

14 RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

During the appeal period, you as the applicant may make written representations to Council about the conditions contained within the development approval. If Council agrees or part agrees with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will continue after Council makes its decision. (Refer to sections 3.5.17 and 3.5.18 of the *Integrated Planning Act 1997*).

15 OTHER DETAILS

Should you wish to obtain more information about Council's decision electronic copies are available on line at www.sunshinecoast.qld.gov.au, or at Council Offices.

Yours faithfully,

sch4p4(6) Personal information

COORDINATOR PLANNING APPLICATIONS (NORTH)

Sunshine Coast
Regional Council

Referral Agency Conditions

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

Southern Regional Office (Brisbane)
GPO Box 2771 BRISBANE QLD 4001
Phone (07) 3225 1827 Fax (07) 3247 3278
www.epa.qld.gov.au ABN 87221158786



Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service

Notice of concurrence agency response Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997



This notice is issued by the administering authority pursuant to sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, to advise you of a decision or action

Enquires to Allen Johns
Telephone (07) 3224 5099
Your reference 2008/751
Our reference Appl'n 78766 Part 1 File No BNE35048



Ms Leanne Porter
Stockwell Pty Ltd
PO Box 3144
South Brisbane QLD 4101

Sunshine Coast Regional Council
Locked Bag 72 Mail Centre
NAMBOUR QLD 4560

Attention Mr Mark Lewis

Re: Application (No. 2008/751) for development approval for assessable development to be carried out at 28 Eenie Creek Road NOOSAVILLE (Lot 2 on SP182880).

Pursuant to the following items of Table 2 Schedule 2 of the Integrated Planning Regulation 1998, the Environmental Protection Agency (EPA) – Contaminated Land Unit (CLU) is a concurrence agency for the development application:

- ☒ Item 21, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998
☐ Item 22, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

The EPA-CLU, acting as a concurrence agency under the Integrated Planning Act 1997, provides its response to the application detailed above as attached

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the Agency's concurrence conditions)

The EPA-CLU has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application.

Should you require any further information please do not hesitate to contact the above officer on the telephone number provided

sch4p4(6) Personal information

10/06/08
Date

**Delegate of Administering Authority
Environmental Protection Act 1994.**

Council Application Number: 2008/751
EPA Application Number: 78766 Part 1

Concurrence agency response
Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997

Applicant: WA Stockwell Pty Ltd
Council Application Number: 2008/751
EPA Application Number: 78766 Part 1
Date application received by EPA: 20/05/2008
Relevant Laws and Policies: Environmental Protection Act 1994
Jurisdiction: Chapter 7, Part 3 Environmental Protection Act 1994

Development Description:

Reconfiguration of a lot - 2 lots

where

- ☐ the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the *Environmental Protection Act 1994*
- ☐ the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity
- ☒ the land is on the Environmental Management Register or Contaminated Land Register under the *Environmental Protection Act 1994*.
- ☐ the land is wholly or partly within an area for which an Area Management Advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes
- ☐ the land is wholly or partly in an area for which an Area Management Advice for unexploded ordnance has been issued

at the following place(s):

28 Eerie Creek Road NOOSAVILLE
(Lot 2 on SP182880)

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

- ☒ conditions must attach to any development approval
- ☐ any approval must be for part only of the development
- ☐ any approval must be a preliminary approval only
- ☐ there are no concurrence agency requirements
- ☐ the application must be refused

Page 2 of 3

Council Application Number	2008/751
EPA Application Number	10/02 Part 1

Conditions of the development approval

The reconfiguration of the Lot 2 on SP182880 where the notifiable activity No. 34 - service station has been carried out must be in accordance with the proposed survey plan of Lots 3 & 4 plan drawing number 021434 01 prepared by Bennett & Francis Pty Ltd dated 13/3/2008

It is a requirement that the applicant notify the Environmental Protection Agency (EPA) (Contaminated Land Unit) in writing within 5 working days of the survey plan being endorsed and provide a copy of the registered plan to the EPA (Contaminated Land Unit) to enable the removal of proposed lot 4 from the Environmental Management Register (EMR)

Additional comments or advice about the application

The approval of the reconfiguration of the Lot 2 on SP182880 does not imply material change of use approval

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the *Environmental Protection Act 1994* applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

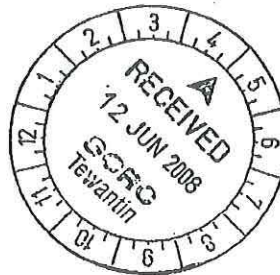
~ End of Concurrence Agency Response ~

Page 3 of 3

Page 9 of 14

11 June 2008

Stockwell
PO Box 3144
SOUTH BRISBANE 4101



Attention: (6) Personal information

cc Sunshine Coast Regional Council
PO Box 141
TEWANTIN QLD 4565
Attention: Mark Lewis

sch4p4 (6) Personal information

Application for a Reconfiguring a Lot- Noosa Civic Stage Two located at 28 Eenie Creek Road, Noosaville; described as Lot 2 on SP182880.
Council ref: 2008/751
Our ref: HBD 734758 148970

We refer to your correspondence regarding the above application. ENERGEX Limited acting as an Advice Agency has **no objection** to the proposed Reconfiguration of a Lot, subject to the following conditions:

- All easement conditions must be maintained.
- Detailed Civil Design plans are required for any cut and fill on the easement; plans should include the location of the ENERGEX assets in relation to the proposed development.

Please note that all previous conditions must be adhered to and that ENERGEX may, at its discretion, audit the finished development to check that it conforms to the conditions of the development.

When considering construction work in the vicinity of ENERGEX assets, please be aware of the following general conditions:

- Satisfactory clearance from your proposed structure to the existing (and/or future) electricity wires must be maintained in accordance with the Electoral Safety Regulations 2002.
- No civil works are to occur within 5 metres of any part of an ENERGEX Structure (e.g.- tower base, pole or stay) without ENERGEX approval.
- If the minimum 5m horizontal separation to the ENERGEX structure cannot be achieved, the Developer must consult ENERGEX with regards to allowable construction methods. This may include full depth shoring of the excavation sides for a minimum of 5 metres either side of the structure.



Enquiries

(6) Personal information
Telephone
(07) 3407 4815
Facsimile
(07) 3407 4144
Email

sch4p4 (6) Personal information

Corporate Office
150 Charlotte Street
Brisbane Qld 4000
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3407 4000
Facsimile (07) 3407 4609
www.energex.com.au

Reference: HBD 734758 148970

ENERGEX Limited
ABN 40 078 849 055

- Any excavations deeper than 5m must have a minimum horizontal separation from the excavation to any tower, base or pole at least equal to the excavation depth. The excavation is not to be left open overnight and backfill is to be compacted in 150mm layers in the immediate vicinity of the structure.
- 10 metres clear access must be provided around all towers and pole structures after the completion of any works on the easement.
- Natural ground level on the easement should not be disturbed without ENERGEX approval.
- Final ground levels should slope gently to the edge of the easement, surrounding area or kerb such that pooling of water on the easement is avoided and conductor ground clearances are not decreased.
- Stockpiling of spoil on the easement is prohibited.
- Lighting structures are not permitted in the easement without prior written consent of ENERGEX. Lighting designs for proposed developments (e.g. road, carparks etc) on the easement are likely to require reduced height structures. Please submit detailed design to ENERGEX for approval. These drawings must clearly show the following:
 - Proposed height of the lighting structures and the ground level at the structure base,
 - Relative (to lighting structures) ground levels at ENERGEX structures (towers, pole etc) either side of the lighting structures, and
 - The location of the ENERGEX structures in relation to the proposed lighting
- Underground services should be kept to the outer edge of the easement and any crossing of the easement should be clearly marked. Please submit the relevant design drawings to the Principal Mains Design Engineer for review. The identification, assessment and mitigation of any possible hazards in the service due to electromagnetically induced voltages, is the responsibility of the Developer.
- Any cut in the vicinity of a structure or between a structure and the road kerb will need to be stabilised by a retaining wall. The retaining wall design and location is to be submitted to ENERGEX for approval.
- Access to the easement and access along the easement must be available to ENERGEX personnel and heavy equipment at all times. ENERGEX will require the Developer / owner to supply and install gates where fencing prohibits access to and along the easement area. To enable travel along the easement at anytime the gates must be series locked with an ENERGEX padlock. Both the padlock and a design drawing of an acceptable gate will be provided by ENERGEX.
- Any costs incurred by ENERGEX as a result of the works on the easement are to be met by the property Developer / owner.
- At all times the following clearance must be maintained from the top of any machinery moving in the vicinity of energised conductors:
 - 132kV and 110kV conductors – 4.5m minimum clearance
 - 33kV and 11kV conductors – 3m minimum clearance

Reference: HBD734758 148970

- Should it be necessary to transport equipment or extend any equipment, such that these clearances cannot be confidently maintained, you are required to contact our office to ascertain whether a Safety Officer is required on-site. All operators of machinery are to be made aware of the presence of high voltage conductors.
- Any proposal for landscaping on the easement must have prior approval from ENERGEX. Please submit the relevant landscaping design to Principal Mains Design Engineer for approval. When considering landscape designs the planting of trees must be kept to the edges of the easement and not under any overhead conductors. When mature, plants or trees must not grow in excess of 3.5 metres in height. If pertinent the ENERGEX Guide to "Powerline Friendly Plants" will be enclosed, please refer to this Guide for recommended species.

Should you require any further information on the above matter, please contact the undersigned on (07) 3407 4815.

Yours faithfully,

sch4p4(6) Personal information

Town Planner
Network Development and Property Department
ENERGEX Limited

Reference: HBD734758 148970

Sunshine Coast Regional Council

Appeal Rights

INTEGRATED PLANNING ACT 1997 & 1998 REGULATION

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 relevant 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 relevant 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.

a.

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

(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 relevant 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.

(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.

For Building Works Only

Rights of appeal conferred by Section 4.2.9 of the *Integrated Planning Act 1997* as follows:

Division 3 – Appeals to tribunals relating to development applications

Appeals by applicants

4.2.9(1) An applicant for a development application may appeal to the Building and Development Tribunal 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;³
- (c) the decision to give a preliminary approval when a development permit was applied for;

a. _____

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

³ Section 3.1.6 (Preliminary approval may override local planning instrument)

(d) the length of a period mentioned in section 3.5.21 relevant 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.

The Registrar for the Building and Development Tribunal may be contacted at the website <http://www.localgovernment.qld.gov.au/>

For Infrastructure Charges Only

4.1.36 Appeals about particular infrastructure charges

(1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice.

(2) The person may appeal to the court against the notice.

(3) The appeal must be started within 20 business days after-

(a) if the notice is given because of a development approval or master plan approval-the day the applicant is given notice of the decision about the approval; or

(b) otherwise-the day the notice is given to the person.

(4) An appeal under this section may only be about-

(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or

(b) an error in the calculation of the charge.

(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule or regulated State infrastructure charges schedule.