

		Blasting(2,3)	200 m from edge of pipe
Water treatment plants and water quality facilities	Sensitive Land Use	250 m from building footprint	
	Buildings/Structure/Earthworks	20 m from building footprint	
	Blasting(2,3)	200 m from building footprint	
Reservoir facilities	Buildings/Structure/Earthworks	20 m from building footprint	
	Blasting(2,3)	200 m from building footprint	
Pump stations	Sensitive Land Use	100 m from building footprint	
	Buildings/Structure/Earthworks	20 m from building footprint	
	Blasting(2,3)	200 m from building footprint	
Dam structures and weirs(4)	Earthworks Dam/Weir Height(5) 0-5m	50 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 5-10m	100 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 10-15m	150 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 10-15m	200 m from the toe of the dam/weir	

		Earthworks Dam/Weir Height(5) 10-15m	500 m from the toe of the dam/weir
		Blasting(2,3)	500 m from dam wall/earth embankment/weir footprint
<p>1 Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.</p> <p>2 Refers to any type of development involving blasting &lt;500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.</p> <p>3 It is recommended that blasting provisions be included in an extractive industry code (or similar).</p> <p>4 For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.</p> <p>5 Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).</p> <p><b>Replace parts of above with:</b></p>			

Dam structures and weirs <sup>(4)</sup>	Earthworks	Dam/Weir Height <sup>(5)</sup>	
		0 m to 5 m	50 m from the toe of the dam/weir
		5 m to 10 m	100 m from the toe of the dam/weir
		10 m to 15 m	150 m from the toe of the dam/weir
		15 m to 20 m	200 m from the toe of the dam/weir
		> 20 m	500 m from the toe of the dam/weir
	Blasting <sup>(2,3)</sup>	500 m from dam wall/earth embankment/weir footprint	

<sup>1</sup> Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.


<sup>2</sup> Refers to any type of development involving blasting <500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.

<sup>3</sup> It is recommended that blasting provisions be included in an extractive industry code (or similar).

<sup>4</sup> For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.

<sup>5</sup> Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).

**Reason:** The SPP requires that bulk water supply infrastructure be protected from development that would compromise the corridor integrity, and the safe, efficient delivery and functioning of the identified infrastructure. The indicated buffer distances are recommended as suitable triggers to identify when development should be assessed regarding its potential impact on bulk water supply infrastructure. This amendment provides clarity within the overlay code. By inserting these requirements in the overlay code, will reduce the need for duplication which would be created by inserting requirements into multiple zones.

<p>g</p>	<p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>	<p><b>Planning Scheme Reference: Zone Map ZM3</b></p> <p><b>Action:</b> Please extend the Community Facilities Zone at the Noosa Water Treatment Plant so that it aligns with the current WTP upgrade. The proposed scheme splits Lot 1 RP800331 into two zones. Please retain the entirety of this lot as Community Facilities.</p>  <p><b>Reason:</b> The WTP is currently being upgraded. The proposed zoning in Zone Map ZM3 only partially covers the site area of the WTP. The extension of the Community Facilities zone to include all of Lot 1 RP800331 will cover the site area of the upgrade works. Please note, Lot 1 RP800331 is currently zoned Community Services in the Noosa Plan 2006.</p>
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**From:** [Rowena Skinner](#)  
**To:** [Caroline Plank](#); [Garth Nolan](#); [Candace Mitchell](#)  
**Cc:** [Kim Rawlings](#); [Alinda Bryant](#); [Michelle Tucker](#); [Ali Salehi](#)  
**Subject:** Amended draft planning scheme for Noosa Shire  
**Date:** Friday, 21 September 2018 1:36:06 PM  
**Attachments:** [image001.jpg](#)  
[Final Response to State Interest Review Comments.pdf](#)  
[Letter Formal Response to SIR.docx](#)

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Hi Caroline, Candace and Garth,

Thank you for your time in organising the many different meetings with the agencies over the last month or so and coordinating their comments. I'm very pleased to advise that we have responded to all the comments raised by the State Agencies, as provided to Council to date.

Attached is a copy of correspondence to the Chief Executive, as well as the tabulated responses to each State Interest comment. Our responses should reflect the agreed solutions that have been reached through conversation with each State agency, as well as yourselves. You will note in the table there are a few items where a final determination from an agency has not been received. These include:

- Koala habitat mapping and methodology
- Riparian buffer mapping and integration of MSES category R vegetation
- Bushfire Overlay Code changes and mapping – including a way forward for the proposed mapping amendments in Bushfire Risk Assessment that does not hold up the SIR sign off
- Flood Hazard Overlay further changes
- Coastal hazards assessment report

Changes TMR requested to the character and framework maps, to add taxi ranks and principal pathway network have had to be done in a design software, which is taking longer than anticipated. We hope they are ready for upload by the end of today.

Also we have only recently been advised that updated ALC A & B soils data is available so it is our intention to update the Agricultural Land Conservation Area prior to community engagement and we will provide updated maps to you and DAF within the next week or two.

An amended version of the draft scheme, including all amended mapping, is provided electronically through the Plan Making Portal. You'll notice that Anita Lakeland has also uploaded the draft Local Government Infrastructure Plan, which is also ready for State review. We anticipate draft Planning Scheme Policies will be completed within the next week or two and these could also be uploaded onto the Plan Making Portal for completeness.

Please be aware that only maps that were changed have been included in the new package. Please refer to the original package for other maps.

As you may appreciate the ePlan platform we've drafted the scheme in does not allow for track changes, however we have tried to highlight changes in the text.

**We understand, Caroline, that you are collecting an electronic version of the scheme from our office in Tewantin later today. We therefore request that the pause notice be withdrawn and that timing of the State Interest Review be formally recommenced on Monday.**

Council is optimistic that we will have the draft scheme out for community consultation by the beginning of November, which relies on Council endorsing the amended scheme in the latter part of October. Obviously this suggests a very tight timeframe and we would appreciate your advice on progress as your review proceeds.

I've got Monday – Wednesday off next week but Alinda and Michelle will be here if you need anything.

**Rowena Skinner**

Principal Strategic Planner | Noosa Council

(My position is part time and I am reachable between 8:00 a.m. and 2:30 p.m. daily)

Phone: 07 5329 6212

Email: [rowena.skinner@noosa.qld.gov.au](mailto:rowena.skinner@noosa.qld.gov.au)

Website: [www.noosa.qld.gov.au](http://www.noosa.qld.gov.au)

Location: Level 2, 9 Pelican Street, Tewantin

Mail: PO Box 141 Tewantin Qld 4565

Line drawing NNP



RTI RELEASE - DSDMIP

# Noosa Council Responses to State Interest Review comments 21 September 2018

## Part A—State interests

### Planning for liveable communities and housing

Housing supply and diversity			
Ref. Number	Policy Element	Original Requirement and additional comments from State following NSC response	NSC response
1	Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.	<p><b>Planning scheme Reference:</b> Strategic framework</p> <p><b>Integration of state interest:</b> Partially integrated – planning scheme could be strengthened in the Part 3 Strategic framework. State interest <i>Housing Supply and Diversity</i> Policy 3 (1) (2) and (3) and <i>Development and Construction</i> (8).</p> <p><b>Action:</b> <u>The strategic framework can be amended to give stronger support to promoting affordable and social housing</u>, in accordance with the SPP. Some examples can be found in the wording of other planning schemes such as Moreton Bay Regional Council e.g.</p> <p>Moreton Bay Regional Council Planning Scheme 2016 3.5 Strong communities (Page 60)</p> <p><i>Council also endeavours to support the initiatives of Federal and State Governments and the community and private sectors to more directly address the issues of housing affordability. Specifically, Council intends to encourage community and “not for profit” housing providers who deliver appropriate housing products in an acceptable manner to meet special needs and community housing purposes .....</i></p> <p>3.5.7 Strategic Outcomes- Housing Choice and Affordability <i>A variety of housing options is provided to meet diverse community needs, and achieve housing choice and affordability.</i></p> <p>4. <i>Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</i> 5. <i>All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</i> 6. <i>Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and.....</i></p> <p><b>Reason:</b> To give stronger support in the planning scheme to promote social and affordable housing outcomes.</p> <p><b>ADDITIONAL COMMENTS:</b> 1) Council’s representations in relation to their support for smaller units to encourage affordable housing is supported by DHPW. 2) Council’s concerns regarding confidence that affordable housing will be delivered if it amends its strategic framework are noted and the following comments are offered. Noosa SC being within the SEQ region is a priority Council (along with the Sunshine Coast Regional Council) for the Housing Construction Jobs Plan. The State Planning Policy- Housing Supply and Diversity (Policy 3 (c) aims to ensure that planning schemes are able to facilitate affordable and social housing outcomes through supportive planning provisions and suitably zoned land with the intent that this housing is able to be delivered when suitable sites and funding are available. In order to ensure this, inclusion in the strategic framework is sought to give high-level support for these housing outcomes by Council. It is noted that informal email between Council and DHPW planners indicates that an outcome could be provided.</p> <p><b>Suggested wording:</b></p> <p><u>In order to meet Policy 3(c) of the SPP (above), DHPW considers that the Strategic Framework should at the very least include a specific statement that references support for social and affordable housing:</u></p>	<p>Strategic Framework already acknowledges one of the key challenges is “<i>diversity in housing choice to provide suitable residential accommodation for low income earners and key workers</i>”. Section 3.2.4 is focussed on housing to meet diverse needs of the community.</p> <p>Section 3.3.3 are Strategic Outcomes specifically for Housing Choice such as:</p> <p>e) <i>A wide range of housing is spread throughout the existing urban areas of Noosa Shire and responds to housing needs associated with factors such as changing demographics, changing composition of households, and lifestyle Choices.</i> f) <i>Additional smaller dwellings on traditional house sites and small dwelling units in centres are provided so that the housing mix and Choice better reflects community needs.</i></p> <p><b>We’ve added another line to 3.2.4 as follows:</b> <b>“The initiatives of Federal and State Government and community based not-for-profit entities in delivering more affordable housing for residents in need are likely to be an important component of new housing.”</b></p> <p><b>We’ve added two additional lines to 3.3.3 as follows:</b> <b>“Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options.”</b></p> <p><b>“Major residential developments will be encouraged to incorporate a range of housing types including more affordable housing products for the entry buyer and low-income housing markets.”</b></p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

		<p><u>"Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options."</u>  <u>If a supportive statement is not included, DHPW would not consider the planning scheme to fully integrate Policy 3 the state interest.</u>            3) Council's comments in relation to MBRC are noted. It is emphasised that MBRC was only suggested as an approach undertaken by a local government; it was not intended to compare the two LGAs.</p>	
2	<p>Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.</p>	<p><b>Planning Scheme Reference:</b>            Section 6.3 Residential zones category</p> <p><b>Integration of state interest:</b> State interest Policy 3 - <i>A diverse affordable and comprehensive range of housing options in accessible and well service locations, is facilitated through (a) appropriate, responsive and proactive zoning and (b) supporting an appropriate mix of lot sizes and dwelling types, including housing for seniors and people requiring assisted living.</i> This has been partially met.</p> <p><b>Action:</b> <u>Review the specific code provisions of the residential zones which aim to restrict development on residential zoned land</u> with a view to ensuring that wider amenity and environmental requirements can still be met – see comments below.</p> <p>6.3.1 Low density residential zone code            Table 6.3.1.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 – Site Cover and Gross Floor Area, acceptable outcome AO8.1</li> </ul> <p>It is recommended the low site cover proposals of AO8.1 be reviewed to allow low density development of residential sites to achieve streetscaping and landscaping objectives without being unduly restrictive and promoting inefficient use land.</p> <p>S 6.3.2 Medium density residential zone code            Built form Table 6.3.2.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 Site Cover and Gross Floor Area</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of medium density forms of development which meets streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>PO9 Plot Ratio</li> </ul> <p>The establishment of 0.4: or 0.5 :1 plot ratio in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range medium density forms of development (as appropriate in Noosa) which still meet streetscaping and landscaping objectives without being unduly restrictive. The plot ratio specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>P10 Building setback</li> </ul> <p>Acceptable outcomes – it is recommended that acceptable outcomes be reviewed to allow a degree of flexibility in terms of setbacks under reasonable requirements (e.g. to accord with streetscaping, where other landscaping/amenity, overlooking and overshadowing requirements are met).</p> <p>6.3.3 High density            Built form - Table 6.3.3.3 Criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO5 Site cover</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the high density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of high density forms of development which still meet streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <p><b>Reason:</b> Restrictions on development of residential sites through low plot ratios and site coverage, impacts on densities and results in inefficient use of land, consequently affecting housing supply and diversity.</p> <p><b>ADDITIONAL COMMENTS:-</b>            DHPW makes recommendations generally on items in the planning scheme which it feels could be amended to contribute towards introducing more flexibility in a planning scheme, thus contributing to housing diversity and eventually supply of more affordable housing.</p> <p>In this case, the issues that NSC raise and the potential implications have been noted, particularly in the Low density residential (LDR) zone. Council's approaches to encourage affordable housing in other areas of the scheme and the code alterations for the medium (MDR) and high density residential (HDR) zone as outlined are acknowledged.</p>	<p>We dispute this and believe the scheme has taken positive action towards increasing the amount of land available for multiple dwellings, including high density residential, discriminating towards small dwelling units rather than large ones. Various sites have been zones specifically for aged care (including two previously unconsidered sites).</p> <p>This is particularly hard for Council to accept. Noosa Council has always had maximum site covers, GFA and plot ratios and since the 1980s at least they have been mandatory. The space between buildings is one of the things that sets us apart from other places and are values that were incorporated in the statutory iconic values under the iconic legislation.</p> <p>Further, we have already had preliminary consultation with the community in the form of a Discussion Paper on the draft scheme and the very clear message back through submissions is that this community likes the current built form &amp; landscaping provisions and do not want them changed.</p> <p>Given the minimum lot size is 600m<sup>2</sup> having a bigger site cover just means a bigger (and less affordable) house. A greater site cover or GFA will do nothing to assist affordability.</p> <p>This is actually an improvement (more flexibility) than the current scheme which just specifies 40%. We are trying to incentivise a higher number of smaller units not just allow the building envelope on the site be maximised because that will just result in a smaller number of large luxurious units.</p> <p>Setbacks are considered important as they allow for space between buildings for landscaping, access to sunshine, protection of privacy, outdoor living etc. We have typically allowed relaxations to support good design outcomes and to allow for eaves, sunhoods, etc. Setbacks required are not unreasonable and the community is very used to them as they have been relatively consistent for some thirty years or more.</p> <p>As discussed above this is actually an improvement on the current scheme and allows an incentive for a larger number of smaller dwellings.</p>



## Noosa Council Responses to State Interest Review comments 21 September 2018

		DHPW accepts Council's response on the code provisions and has no further requirements on this matter.	
Liveable communities			
Ref. Number	Policy Element	Requirement	NSC response
3	Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment 5.5 Categories of development and assessment – Material change of use.</p> <p><b>Integration of state interest:</b> Community facilities and services, including education facilities (state and non-state providers), health facilities, emergency services, arts and cultural infrastructure, and sport, recreation and cultural facilities are well-located, cost-effective and multi-functional.</p> <p><b>Action:</b> Amend levels of assessment for emergency services (use) in all zones, to ensure the levels of assessment are not onerous – consider accepted development with requirements, and code assessment where appropriate benchmarks can be applied.</p> <p><b>Reason:</b> The SPP states that the provision of sustainable, equitable and efficient access to a wide range of services and facilities underpins community wellbeing and liveability – which has major effects on safety, employment, health and access.</p> <p>The onerous planning scheme provisions for emergency services could deter emergency services from locating in particular locations. Restricting the location of emergency services (use) can increase emergency response times.</p> <p>In addition, Rural Fire Brigades are volunteer lead organisations with very limited resources. The infrastructure is very low impact and provides an essential service to the surrounding community.</p> <p>Ensuring that emergency services is accepted development throughout the local government area, allows for timely, cost effective emergency services infrastructure provision and enhances liveability and quality of life in the community.</p>	<p><b>Rural fire brigades are now acceptable subject to requirements in the Rural or Rural Residential Zone.</b></p> <p><b>Where they are annotated on the Community Facilities Zone (because they already exist) Emergency Services are now accepted subject to requirements.</b></p> <p><b>We have made Emergency Services consistent (code) in all the centres zones and industrial zones (but not in every precinct).</b></p> <p>They are consistent (impact) in the two green zones. <b>However Council is not prepared to make them code assessable within residential zones because of the 24 hour nature of the use.</b></p> <p>Unlikely to need any additional/new fire, ambulance or police stations in the future as not a lot of growth. For evacuation centres they are likely to rely on existing buildings (such as schools) so not a high chance of needing new ones. Considering this the risks are relatively low.</p>

### Planning for economic growth

Agriculture			
Ref. Number	Policy Element	Requirement	NSC response
4	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 3 Strategic Framework; Section 3.2 Strategic Intent; Section 3.2.2 A well managed and sustainable Noosa Shire; paragraph 12</p> <p>“Noxious forms of industry, intensive factory farming and developments that disrespect the ecosystem service functions of the landscape, waterways and wetlands are not permissible”.</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Provide justification about why intensive agricultural land uses can't be appropriately located in the Noosa Shire in the rural zone.</p> <p><b>Reason:</b> This statement indicates that intensive agricultural land uses are not allowed anywhere in the local government area.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p>	<p>A very large proportion of Noosa Shire hinterland consists of small lifestyle blocks, many of which have been revegetated and are being conserved. Residents are typically passionate about the environment and the amenity of their surroundings. Agricultural producers tend to have a high regard for the environment and appreciate the “clean/green” credentials of the Noosa brand.</p> <p>We are not opposed to intensive agricultural uses as such, indeed some forms are applauded and are gaining momentum as hoped through the local economic strategy and work of Country Noosa.</p> <p><b>The original sentence has been removed and replaced with:</b></p> <p><b>“Any form of development that has the potential to adversely impact on surrounding natural resources and environmental values will not be supported unless it can be located and designed to avoid environmental harm or nuisance.”</b></p>

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		<p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses when in appropriate locations.</p> <p><b>FURTHER COMMENT:</b> DAF would not object to the retention of a similar statement as long as it is re-worded. The term “intensive factory farming” should be removed, as it is an unnecessary singling out of a particular industry and is highly emotive.</p> <p>The phrase “disrespect ecosystem service functions” should also be removed for clarity – what does this phrase mean?</p> <p>DAF agrees that all development (including intensive agricultural activities) ensures that the environment is not significantly impacted and the statement should simply be: “Developments that have the potential to impact surrounding environments will only be supported where they are appropriately located and designed to avoid environmental harm and nuisance.”</p>	
5	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 3 – Strategic Framework, Part 3.2.6 – A diverse and resilient economy, Agriculture and rural-based activities, Paragraph 1</p> <p>“Livestock enterprises are generally limited to pasture fed, free range operations or aquaculture. <u>Industrial farming or high impact agricultural uses can reduce rural amenity through increased noise, traffic, lighting and signage. They have a high propensity to pollute the air, groundwater and surface water. For these reason, they are not supported</u>”.</p> <p><b>Integration of state interest:</b> <i>Agricultural state interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove references to “industrial farming” and replace with “intensive rural activities”</li> <li>2. Address the action in item 4 above, and then, if appropriate, delete “They have a high propensity...and surface water. For these reasons they are not supported.” or amend to focus on locating intensive agricultural land uses in appropriate locations in the rural zone.</li> </ol> <p><b>Reason:</b></p> <ol style="list-style-type: none"> <li>1. “Industrial farming” is not a recognised land use in Queensland planning legislation or associated materials</li> <li>2. The statement indicates that intensive agricultural land uses are not expected or consistent with the intent of the rural zone, and they all cause environmental harm or nuisance. The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</li> </ol> <p><b>FURTHER COMMENT:</b> DAF agrees that intensive agricultural land uses have the potential to cause environmental harm and nuisance, and need to be suitably located and designed to avoid environmental harm and nuisance.. DAF does not support the exclusion of these uses from the rural zone.</p> <p>DAFs position is that the term amenity is so subjective it is almost unworkable, particularly in the rural zone. What disturbs one person’s amenity may not worry another. For example, a rooster crowing or cows bellowing may disturb one person, yet it may take a tractor noise to disturb another. In both cases, these noises are intrinsic to a functioning rural zone. How will Council determine the impact of a development on the rural amenity?</p> <p>DAF suggests Council focuses on the suitable location and design of intensive agricultural land uses in appropriate locations of the rural zone.</p>	<p>Council ultimately wants the message to be the same. Uses that impact on either the rural amenity or the environment are not supported</p> <p><b>“Intensive or high impact rural uses can lead to environmental harm or nuisance through increased noise, traffic, lighting, use of chemicals or generation of dust or odour. Rural uses that pollute the air, groundwater and surface water are not likely to be supported.”</b></p>

Noosa Council Responses to State Interest Review comments 21 September 2018

<p>6</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment; Section 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Animal Husbandry Use</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend the levels of assessment so that grazing of livestock and non-feedlot dairying (where keeping more than 1 head of cattle, sheep, goats etc.) in the rural zone is accepted development or code assessment, where appropriate.</p> <p>Amend references to pig keeping and poultry farming from 'Animal husbandry'.</p> <p><b>Reason:</b> The rural zone is the appropriate place for all agriculture/rural uses. Grazing of livestock and non-feedlot dairying are uses that are expected and consistent with the intent of the rural zone.</p> <p>Pig keeping and poultry farming is an intensive animal industry not animal husbandry as defined in the use definitions in schedule 1.</p> <p><b>FURTHER ADVICE:</b> <u>Intensive animal industry</u></p> <p>DSDMIP advises: The definition of 'intensive animal industry' is multi-layered – there's more than one criteria to meet – the use is for the <u>intensive production of animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand; or...</u></p> <p>The use needs to meet all of these for it to meet the definition. It will be up to council to ensure that animal husbandry really is animal husbandry and not intensive animal industry.</p> <p><u>Animal husbandry</u></p> <p>DAF's position is that animal husbandry should be accepted development in the rural zone. DAF accepts that <b>Council would like to have some control over numbers to minimise impacts and at these thresholds determined by Council (whatever they might be), the use would become code assessable. DAF would accept this if the numbers of animals allowed as accepted development were increased.</b> For example, DAF doesn't think it is reasonable for someone who wants a couple of head of cattle in the rural zone to have the use deemed assessable.</p> <p><b>DSDMIP advises that other councils in the region make animal husbandry accepted development (with or without requirements) and therefore Noosa Shire Council could look to these for guidance.</b> MBRC use a local law to control certain animal keeping which is referred to in the tables of assessment for animal husbandry to be accepted development (without requirements) and otherwise, to be accepted development with requirements (rural zone code). SCRC makes animal husbandry accepted development with requirements (rural uses code).</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above</b></p>	<p>This is an interpretation problem – Council are of the view that if chickens or pigs are outside, free to range/forage they are not intensive animal industry. <b>We have received legal interpretation on this matter, the upshot of which is that if animals or birds are free to range or graze in a field and are not in an enclosure requiring food and water to be provided mechanically or by hand, the use can only be animal husbandry. This legal advice has been provided to DSMIP and DAF.</b></p> <p><i>animal husbandry means the use of premises for—</i> (a) producing animals or animal products on native or improved pastures or vegetation; or (b) a yard, stable, temporary holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph (a). <i>Examples of animal husbandry— cattle stud, grazing of livestock, non-feedlot dairy</i></p> <p><i>intensive animal industry—</i> (a) means the use of premises for— (i) the intensive production of animals or animal products, <b>in an enclosure, that requires food and water to be provided mechanically or by hand; or</b> (ii) storing and packing feed and produce, if the use is ancillary to the use in subparagraph (i); but (b) does not include the cultivation of aquatic animals. <i>Examples of intensive animal industry— feedlot, piggery, poultry and egg production</i></p> <p><b>Notwithstanding the above we are proposing to change the Table of assessment for the Rural Zone and the Rural Activities Code</b></p> <p><b>For Animal Husbandry there's still a table of animals that are just acceptable development (no planning scheme requirements)</b></p> <p><b>Then everything else is Accepted Subject to Requirements (self-assessable) with applicable AOs listed from the Rural Zone Code and the Rural Activities Code</b></p> <p><b>For Intensive Animal Industry we're listing a few thresholds that would be code assessable-if:</b></p> <ul style="list-style-type: none"> <li>a) located on a site at least 20 hectares in area; and</li> <li>b) poultry farming (meat or egg production) not exceeding 999 birds; or</li> <li>c) emu or ostrich farming not exceeding 20 birds; or</li> <li>d) not exceeding 21 standard units of pig; or</li> <li>e) not exceeding 50 standard units of cattle</li> </ul> <p><b>Outside of these circumstances Intensive Animal Industry will be impact assessable but only consistent where it meets the following criteria:</b></p> <ul style="list-style-type: none"> <li>a) located at least 100 metres from a sensitive land use;</li> <li>b) located outside the Water Supply Buffer or Water Resource Catchment;</li> <li>c) located outside the Flooding and Inundation area;</li> <li>d) located outside the Riparian Buffer Area.</li> </ul> <p><b>Within the Rural Activities code we have amended and rearranged provisions to address Animal Husbandry and Intensive Animal Industry in a closer manner and combined the same performance outcomes for both in instances.</b></p> <p><b>PO10</b> <i>Animal husbandry and Intensive animal industry is at a scale, intensity and stocking density that does not over-graze the property, lead to erosion or degradation, compromise the welfare of animals or cause environmental nuisance experienced on adjoining premises.</i></p> <p><b>AO10.1</b> <i>Livestock are free to graze or forage in pastures and rely on supplementary food for no more than 30% of their diet.</i></p> <p><b>AO10.2</b> <i>The lot used for Animal husbandry has a minimum area of 4 hectares.</i></p> <p><b>AO10.3</b> <i>The lot used for Intensive animal industry has a minimum area of 20 hectares.</i></p> <p><b>Pigs</b></p>
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			<p><b>Buildings and enclosures intended to house animals or birds are sited, designed and constructed:</b></p> <ul style="list-style-type: none"> <li>a) to facilitate natural ventilation and ease of cleaning, ensuring effluent can be managed effectively; and</li> <li>b) with sufficient noise and odour mitigation measures so as to ensure that dispersion effectively limits odours to acceptable levels and frequencies under the expected range of atmospheric conditions.</li> </ul> <p><b>AO13</b> Sheds and storage areas are designed and constructed with:</p> <ul style="list-style-type: none"> <li>a) natural ventilation;</li> <li>b) easy to clean material;</li> <li>c) drains, pits or litter beds which can be easily and regularly cleaned out without excess waste or moisture build-up;</li> <li>d) noise mitigation measures for fans and pneumatic feed systems; and</li> <li>e) covers applied to stored manure or litter.</li> </ul> <p><b>PO14</b> Intensive animal industries are sited, sized, designed, constructed and managed to protect:</p> <ul style="list-style-type: none"> <li>a) the profile and productive qualities of soil;</li> <li>b) the water quality of groundwater, waterways and wetlands;</li> <li>c) the scenic and visual amenity of the Noosa hinterland; and</li> <li>d) the quality of life enjoyed by residents of Noosa Shire.</li> </ul> <p><b>No acceptable outcome provided</b></p> <p><b>PO15</b> The haulage of animals does not result in environmental nuisance to surrounding sensitive land uses.</p> <p><b>No acceptable outcome provided</b></p>
7	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Intensive Animal Industry Use</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate, amend the level of assessment so that intensive animal industries that are environmentally relevant activities (ERAs) are assessable development – impact assessable and those below the ERA threshold are assessable development – code assessable.</p> <p><b>Reason:</b> The levels of assessment prescribed indicate that pig keeping with more than 20 standard pig units of pigs, poultry farming more than 999 birds and intensive animal feedlotting in the rural zone are not consistent with the intent of the rural zone and are not supported.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p><b>FURTHER ADVICE:</b> DAF does not support the exclusion of intensive animal industries or restricting the scale of the intensive animal industry within the rural zone. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p>However, the suitable location and design of intensive animal industries to avoid environmental harm is supported.</p>	<p>We believe the strategy detailed above should satisfy the State on this comment as well.</p> <p>We appreciate the State has a policy of protecting agriculture and food production but the economic point of difference to food production in Noosa Shire is the “clean/ green” credentials of growing food in this place and intensive animal industries go against that reputation and therefore risk the pasture fed / organic / boutique food businesses that are emerging.</p> <p>Discussions with DAF suggests they would be happy with a threshold approach. We have looked at other schemes and the thresholds we have used are not dissimilar.</p>

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		<p>DAF does not accept any attempts by a local government to prohibit or make intensive animal uses inconsistent in the rural zone.</p> <p>DSDMIP advises: The Sunshine Coast Planning Scheme uses a scale (threshold) to determine code and impact for the rural zone for 'intensive animal industry': Code assessment if involving less than</p> <ul style="list-style-type: none"> <li>• 21 standard units of pigs</li> <li>• 1000 birds or poultry</li> <li>• 50 standard units of cattle</li> <li>• 350 standard units of sheep</li> </ul> <p>Impact assessment if not otherwise specified.</p> <p>DSDMIP doesn't consider this to be prohibition but rather, regulation. As such, DSDMIP is not against Noosa Shire Council regulating intensive animal industry in a similar way to Sunshine Coast Regional Council, by providing local context as the justification.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	
8	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of assessment, Wholesale nursery, Accepted Development subject to requirements</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend (b) to allow for greater area of combined shed/greenhouse structures, for example, by stating the covered areas is ten per cent of the area of the lot.</p> <p><b>Reason:</b> The allowable combined greenhouse/shed structure area is insufficient to provide for a commercial wholesale nursery operation. Unjustified restrictions on the area of these structures has the potential to limit the activity below economic levels and thus constitutes a de-facto prohibition of the activity on a commercial-scale. This is inconsistent with the intent of the SPP Agriculture Policy 4 (a)</p>	<p>Currently it is all code assessable and we were trying to make smaller operations self-assessable.</p> <p><b>We have increased the threshold for accepted development subject to requirements to 2,000m<sup>2</sup> for both intensive horticulture and wholesale nursery.</b></p> <p>Above 2,000m<sup>2</sup> we continue to require code assessment but <b>we have amended the AO of the code to specify it can be up to 10% of the site area.</b></p>
9	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6.7 Environmental zones category, Table 6.7.1.3 AO8.2, and; Part 6.8 Other Zone Categories, AO18.1 and; Rural Zone Code, Table 6.8.3.3 AO8.3</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated (Agriculture, policy 3)</i></p> <p><b>Action:</b> Amend relevant AO in each code to include:</p> <ul style="list-style-type: none"> <li>• Setback of 100m incorporating natural vegetation and other buffer elements from the level of Highest Astronomical Tide (HAT) in tidal areas.</li> <li>• A setback of 50 m (incorporating natural vegetation and other buffer elements) from freshwater habitats.</li> </ul> <p><b>Reason:</b> Setbacks are defined for a range of matters including erosion prone areas. They should be identified for significant waterways as well to ensure fisheries resources are protected.</p> <p>The recommendation is based on a generic policy position which recommends a minimum buffer width of 100 m (incorporating natural vegetation and other buffer elements) set back from the level of HAT in tidal areas. In freshwater areas a minimum 50-metre setback is recommended (incorporating natural vegetation and other buffer elements) from freshwater habitats. These generic buffer widths are considered a 'starting point' from which site-specific requirements can be negotiated. See the fish habitat guideline at <a href="https://www.daf.qld.gov.au/__data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf">https://www.daf.qld.gov.au/__data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf</a></p>	<p>The following riparian buffers apply to waterways across Noosa Shire as part of the Biodiversity, Waterways and Wetlands Overlay:</p> <ul style="list-style-type: none"> <li>- All major lakes, 200m buffer</li> <li>- Noosa River and lower Kin Kin Creek, 200m buffer</li> <li>- Unconfined / Partly confined and Alluvial based major waterways, 100m buffer</li> <li>- Confined major waterways, 50m buffer</li> <li>- All other waterways Stream Order 1 or greater, 10m buffer</li> <li>- For Cooroibah and Pomona rural residential areas, wider buffers applied to some streams where development impacts likely to be greater and connectivity functions or opportunities exist</li> <li>- For Lake Macdonald catchment, wider buffers applied to some 1<sup>st</sup> and 2<sup>nd</sup> order streams for protection of water quality functions and riparian connectivity consistent with previous 2006 Noosa Plan.</li> </ul> <p>An assessment of waterways buffers has been provided to the State in the document Noosa Shire Waterways Assessment 2017.</p> <p><b>Council has made the following changes:</b></p> <ul style="list-style-type: none"> <li>• Amend buffer widths in Table 6.7.1.3 AO8.2 to read "setback... a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterway and Wetland Overlay maps".</li> <li>• Amend buffer widths in Table 6.8.1 AO18.1 to read "setback... a distance greater than the riparian buffer area shown on Biodiversity, Waterways and Wetlands Overlay maps".</li> <li>• Amend buffer width in Table 6.8.3.AO8.4 for the Rural Zone. "a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterways and Wetland Overlay maps".</li> </ul>

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10	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> 6.8.3 Rural Zone Code; 6.8.3.2; points 2(a) and 2(f)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate include intensive animal industries in both dot points.</p> <p><b>Reason:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p><b>FURTHER ADVICE:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p>All rural uses should be listed as consistent uses in the rural zone. Please amend any instances with rural uses are listed as inconsistent uses in the rural zone. Council can regulate the level of assessment through the tables of assessment.</p>	<p><b>Intensive Animal Industry is now considered consistent where it meets the following criteria:</b></p> <p>a) located at least 100 metres from a sensitive land use;  b) located outside the Water Supply Buffer or Water Resource Catchment;  c) located outside the Flooding and Inundation area;  d) located outside the Riparian Buffer Area.</p>
12	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, PO2/AO2</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Include an Editor's Note advising that aquaculture is permissible on ALC Class A/B land (Agricultural Land Conservation Area)</p> <p><b>Reason:</b> The SPP clearly articulates that planning schemes are to "promote hard to locate intensive agricultural land uses, such as intensive animal industries, <b>aquaculture</b> and intensive horticulture in appropriate locations.", and the State Interest guidance material for Agriculture states that it is permissible for aquaculture to be located on ALC Class A/B land where the impacts can be minimised etc.</p>	<p><b>Done - Editor's note added below AO2.2 as follows: "Aquaculture is specifically permissible on Agricultural Land Conservation Area".</b></p> <p>(ALCA is a defined term)</p>
13	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Building height and scale, PO7 and AO7</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove provision that buildings and other structures are "low rise" if low rise means under 9 metres, or define what "low rise" means.</li> <li>2. Amend PO7(b) to "minimise an appearance of bulk to adjacent properties etc.</li> </ol> <p><b>Reason:</b> Some agricultural buildings are not low rise (depending on definition) and are high through necessity (eg. silos) – some greenhouse structures need to be 9 metres high to get the best growing conditions for certain crops. Restricting the height of these structures in the rural zone does not represent support for agriculture and is therefore inconsistent with the SPP.</p> <p>Likewise, some agricultural buildings need to be bulky through necessity and it would support agricultural development to allow a proponent to "minimise" the bulkiness rather than straight out not supporting it. The rural zone is for rural activities and if that rural activity requires a bulky structure to be viable, then it should be supported through the planning scheme to comply with the SPP.</p>	<p>It's accepted silos and other agricultural structures/buildings could exceed 9 metres but not to an indefinite figure and Council should still see plans of anything particularly high especially if that structure is within a certain distance of property boundaries.</p> <p><b>6.8.3.3. PO7 remains however (b) has been amended to read "minimise the appearance of bulk to adjacent properties, roads or other areas in the vicinity of the site";</b></p> <p><b>The corresponding AOs now read as follows:</b></p> <p><b>AO7.1</b> <i>Buildings are no more than two storeys in height.</i></p> <p><b>AO7.2</b> <i>With the exception of Class 10 buildings or structures used exclusively for a rural activity, buildings and structures are no more than 8 metres in building height from ground level and no more than 8 metres above the finished surface level providing that they may be up to 9 metres where the pitched roof but no other part of the building or structure exceeds 8 metres.</i></p> <p><b>AO7.3</b></p>

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		<p><b>FURTHER ADVICE</b> DAF is concerned that a boundary setback of twice the height of the building or structure is excessive, however given it is an AO, DAF will accept.</p> <p>However there doesn't appear to be any decision on PO7(b)</p> <p>DAF supports Councils endeavours to avoid "big barns" being converted to a dwelling.</p> <p>DAF and DSDMIP expect some revision of the planning scheme to address these issues, particularly a reword of PO7(b) to address the requirement around the appearance of 'bulk'.</p>	<p><i>With the exception of Class 10 buildings or structures used exclusively for a rural activity, individual buildings or roofed structures do not exceed 500m<sup>2</sup> gross floor area.</i></p> <p><b>A07.4</b> <i>Class 10 buildings used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry do not exceed 12 metres in height.</i></p> <p><b>A07.5</b> <i>A structure, not constituting a building, used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry does not exceed 15 metres in height.</i></p> <p>This should not be onerous on genuine farming situations but we would prefer to avoid big "barns" that very quickly get converted to habitable buildings. DAF indicated it's OK.</p>
14	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Built form, Setbacks, PO8 Part (a)</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Reword this PO to focus on not causing environmental harm and nuisance (as per EP Act) to sensitive receptors.</p> <p><b>Reason:</b> Currently the performance outcome is too focussed on the amenity (amenity being highly subjective) of other users of the rural zone and is ultimately not supportive of agricultural operations in the appropriate zone. Agriculture is at times going to cause some noise/dust/odours – this is why it is constrained to the rural zone.</p> <p><b>FURTHER ADVICE</b> DAF agrees in part, however if an issue as subjective as "amenity" is going to be continually used as a means of managing rural uses in the rural zone, then DAF would like to see recognition that the rural zone is for rural purposes and this land use will affect amenity to some degree, at some time, to some people. Even small-scale boutique enterprises have the potential to affect someone's amenity if that person's perception of the rural zone is different to what the zone is actually for.</p> <p>Suggest - <b><i>"avoid environmental harm or nuisance to sensitive land uses, including adverse impacts, over and above what could reasonably be expected in the rural zone, on amenity values, acknowledging that the rural zone is for rural uses."</i></b></p> <p>DAF and DSDMIP request that council reword, so that the PO is measurable. DSDMIP also suggest council do an audit of the planning scheme, to see if amenity is already covered off through other provisions, for instance, buffers etc.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	<p><b>Reworded PO8 (a) to read <i>"avoid environmental harm or nuisance to sensitive land uses, including adverse impacts on amenity values, over and above what could reasonably be expected in the rural zone;"</i></b></p>
15	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Safety and amenity PO9 and PO10</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Delete PO9 and PO10(b)</p> <p><b>Reason:</b> Impacts to amenity have been covered under the setbacks section – PO8 (a). Generally, the rural zone code is not particularly supportive of agriculture and is more focussed on protecting the lifestyle of people living in the zone. Inclusion of PO9 confirms this focus and does not support agricultural uses in the rural zone. If the focus in the rural zone is on lifestyle and environmental attributes, then the land in this zone needs to be zoned accordingly (ie not rural zone).</p>	<p><b>PO9 is reworded to say <i>"Development does not result in environmental harm or environmental nuisance to sensitive land uses."</i></b></p> <p><b>PO10b) is deleted.</b></p>



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		<p>With regards to PO10(b), this provision is too open to interpretation and could constrain any agricultural development. Agriculture needs to be able to move goods both in and out of a property, and this PO seems aimed at reducing any agricultural related traffic along rural roads. This isn't supportive of the state interest for agriculture.</p> <p><b>FURTHER ADVICE:</b> Development that is assessable will likely be assessed for traffic impacts, is there a need to single out haulage components – would like to discuss with NSC, given the majority of land uses currently in the rural zone, and fragmented nature of rural zone, what is the risk of large-scale agricultural enterprises locating in the region?</p>	
16	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Scenic amenity AO13</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> <u>Consider</u> removing or rewording AO13 (d)</p> <p><b>Reason:</b> Some agricultural operations require different colour shade cloth or materials to provide the best growing conditions for what they are producing. While it's acknowledged that these should be screened to reduce amenity impacts, it is onerous for a planning scheme to be determining the materials that should fit with the sites visual character, particularly in a zone which should be supporting agricultural production.</p>	<p>We've added an Editors note as follows:</p> <p><b>Editor's Note— Residential buildings should be predominantly finished in colours and materials that blend well with the colours and hues of the surrounding vegetation and landscape without causing glare or reflection. For agricultural buildings, colours and textures that blend with the natural setting are preferred however if not practical, buildings should at least be well maintained and/or visually screened.</b></p>
17	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Sloping sites and ridgelines PO15 and Editor's note under AO15.5</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Reword PO15</li> <li>2. <u>Consider</u> removing or rewording Editor's note</li> </ol> <p><b>Reason:</b> PO15 could constrain agricultural development and appears to be more directed to structures – e.g. how would a proponent ensure that an avocado orchard sits in the landscape rather than dominates it?</p> <p>The Editor's note refers to the use of building material colours – as above, some agricultural operations require different colour shade cloth or materials to provide the best growing conditions for what they are producing. While it's acknowledged that these should be screened to reduce amenity impacts, it is onerous for a planning scheme to be determining the materials and colours that should fit with the sites visual character, particularly in a zone which should be supporting agricultural production.</p>	<p><b>PO15 now reads as follows:</b> <b>The landscape character and visual amenity quality of hill slopes and ridgelines are retained and buildings and structures:</b></p> <ol style="list-style-type: none"> <li>a) are visually responsive to the natural topography of the site, sitting within the landscape rather than dominating it;</li> <li>b) step down slopes or use suspended floor construction; and</li> <li>c) minimise cut and fill.</li> </ol> <p>The Editor's note following AO15.5 is modified to read: <i>On visually prominent hill slopes or ridgelines residential buildings should be predominantly finished in colours and materials that blend well with the colours and hues of the surrounding vegetation and landscape without causing glare or reflection. Broad expanses of a single colour are less desirable and where possible should be broken up by other colours or design elements. Shades in the violet, blue, green and yellow green side of the spectrum as well as greys or browns should be appropriate with whites or bright colours restricted to trimmings.</i></p> <p><b>For agricultural buildings, colours and textures that blend with the natural setting are preferred however if not practical, buildings should at least be well maintained and/or visually screened.</b></p>
18	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 8 Table 8.2.4.3, PO3(b)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Reword PO3 (b) to include all marine plants not just mangroves e.g.: 'maintain or enhance coastal ecosystems and natural features such as coastal creeks, marine plants including mangroves, salt marshes, and coastal wetlands, to assist in protecting and buffering communities and infrastructure from sea-level rise and coastal inundation impacts; and'</p> <p><b>Reason:</b> Including the greater range of marine plants better complies with the legislative framework and the meaning of fisheries resources in the SPP (policy 3).</p>	<p><b>8.2.4.3 PO3 (b) now reads as follows:</b></p> <p><b>"maintain or enhance coastal ecosystems and natural features such as coastal creeks and marine plants including mangroves, salt marshes and coastal wetlands, to assist in protecting and buffering communities and infrastructure from sea-level rise and coastal inundation impacts; and"</b></p>
19	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Purpose and overall outcomes, Part (2) (b) and (c)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p>	<p><b>Overall outcomes for the Rural Zone are now:</b></p> <ol style="list-style-type: none"> <li>a) <b>Rural activities contribute to the economic strength of the Noosa hinterland and create opportunities for employment.</b></li> <li>b) <b>Animal husbandry and cropping contribute to the heritage values of the Shire.</b></li> <li>c) <b>Innovative and sustainable agricultural enterprises are particularly promoted and encouraged.</b></li> </ol>

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		<p><b>Action:</b> Remove term “traditional” and amend overall outcome to read “Agricultural practices are promoted and encouraged to locate in rural areas and contribute to the heritage values of the shire”. Reword (c) to ensure the scheme is being exclusive to particular agricultural uses.</p> <p><b>Reason:</b> The term ‘traditional’ implies that some agricultural practices are not included as a rural activity and this could constrain certain rural activities from taking place in the appropriate zone. Further, what is a “traditional” agricultural practice? What is meant by “innovative and sustainable agricultural enterprises”?</p> <p>Additionally, (c) refers to encouraging innovative and sustainable agricultural enterprises to establish in rural areas and coupled with (b), it appears the scheme I is promoting certain agricultural activities over others. This is not the intention for the rural zone and it could be argued that most agricultural operations are innovative and sustainable to some degree in order to be viable in a highly scrutinised and competitive sector.</p>	<p>d) <b>Rural activities directly and indirectly support the local production of food and beverage products.</b></p> <p>e) <b>Development maintains and enhances rural landscapes and ecologically important areas.</b></p> <p>f) <b>Development is managed to protect land and water resources to avoid diminished productivity.</b></p> <p>g) <b>Rural activities are located and operated to protect and maintain water quality values of surface and groundwater.</b></p> <p>h) <b>Rural activities are separated from sensitive land uses which might be adversely affected by the activity.</b></p>
20	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Purpose and overall outcomes, Part (2) (e)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Delete (e) or reword by removing reference to “rural landscapes”.</p> <p><b>Reason:</b> In practice, how does a rural activity enhance the rural landscape? Is ploughing a field enhancing the rural landscape? To some it might be. Inclusion of this overall outcome is subjective and is likely to constrain agricultural activities in the rural zone which is contrary to the state interest for agriculture.</p> <p><b>FURTHER ADVICE:</b> DAF acknowledges this, however the conundrum is that the rural zone is for growing food etc, and if that means intensively, then without a mechanism to remove that land use from being acceptable in the rural zone, it must be supported... or at least not unfairly constrained. It’s appropriate to require developments of this nature to reduce impacts on amenity and surely this could be achieved through appropriate buffering and landscape elements? Like housing and industry, agriculture must go somewhere – and the only place for it is the rural zone.</p> <p><b>DSDMIP considers that the inclusion of rural landscapes in the purpose and overall outcomes for the Rural Activities Code does not adversely impact rural activities from occurring and provides local context for the Noosa Shire.</b></p>	<p>See above, this is an overall outcome and does not actually preclude any particular development.</p> <p>The SEQ Regional Plan goes to great lengths to acknowledge and protect landscapes - “Our regional landscapes contain a wide range of values, including biodiversity, rural production, natural economic resources, scenic amenity, cultural landscapes and outdoor recreation.” It talks about regional landscapes as our greatest assets and details the role they play in cultural heritage, biodiversity and specifically mentions productive rural landscapes. Regionally significant scenic amenity is also mapped.</p> 
21	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Aquaculture, PO18</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Reword PO18 to state: Development does not permanently alienate good quality agricultural land (see comments on the use of this term under Part C - Advice) <b>where possible.</b></p> <p><b>Reason:</b> The SPP clearly articulates that planning schemes are to “promote hard to locate intensive agricultural land uses, such as intensive animal industries, <b>aquaculture</b> and intensive horticulture in appropriate locations.”, and the State Interest guidance material for Agriculture states that it is permissible for aquaculture to be located on ALC Class A/B land where the impacts can be minimised etc.</p>	<p><b>9.3.13 PO18 now reads as “Wherever possible, development does not permanently alienate good quality agricultural land.”</b></p>
22	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Intensive Animal Industries PO23</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p>	<p><b>The Rural Zone Code includes setback provisions as follows:</b></p> <p><b>PO8</b> <b>Notwithstanding that intensive rural activities may need greater separation distances, buildings and other structures are appropriately sited and designed to:</b></p>

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		<p><b>Action:</b> Amend the performance outcome to <u>focus on intensive animal industries not causing environmental harm or environmental nuisance to sensitive land uses. Consider adding an AO that provides setbacks.</u></p> <p><b>Reason:</b> The focus should be on not causing environmental harm or environmental nuisance, as defined in the EP Act, to a sensitive land use, not at the property boundary.</p> <p>Intensive animal industry should not cause environmental nuisance, however the requirement to contain all noise, dust, light and odour within the boundary of the property is unreasonable and places unrealistic restrictions on the development of intensive rural uses in the rural zone.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p><b>FURTHER ADVICE:</b> Agree with amended PO23.</p> <p>DAF agrees that development should not cause environmental nuisance to sensitive land uses.</p> <p>However, the requirement to contain all noise, dust, light and odour within the boundary of the property is unreasonable and places unrealistic restrictions on the development of intensive rural uses in the rural zone, which is the appropriate location for all agricultural/rural uses and its development, including intensive agricultural uses.</p> <p>The focus should be on not causing environmental harm or environmental nuisance, as defined in the EP Act, to a sensitive land use, not at the property boundary.</p>	<p>a) <i>avoid environmental harm or nuisance to sensitive land uses, including adverse impacts on amenity values, over and above what could reasonably be expected in the rural zone;</i></p> <p>b) <i>avoid adverse impact on ecologically important areas including National Parks, watercourses, and wetlands;</i></p> <p>c) <i>mitigate risks associated with the use of chemicals or air pollutants;</i></p> <p>d) <i>avoid conflict with existing or future rural uses and activities on adjoining properties.</i></p> <p><b>AO8.1</b> <i>Buildings used to house animals, temporary holding yards, structures containing areas of animal waste or by-product disposal are not within 100 metres of:</i></p> <p>a) <i>the boundary of properties in a residential zone including the rural residential zone;</i></p> <p>b) <i>a sensitive land use;</i></p> <p>c) <i>the boundary of adjoining properties in the environmental management and conservation zone; or</i></p> <p>d) <i>a waterway shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p><b>AO8.2</b> <i>Buildings or structures which are used for the storage of chemicals or machinery, stockpiling of composting or organic fertilisers, or which support artificial lighting or irrigation sprayers are not within 100 metres of:</i></p> <p>a) <i>the boundary of properties in a residential zone including the rural residential zone;</i></p> <p>b) <i>a sensitive land use;</i></p> <p>c) <i>the boundary of adjoining properties in the environmental management and conservation zone; or</i></p> <p>d) <i>a waterway shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p>As detailed above within the <u>Rural Activities Code</u> we have somewhat merged provisions for animal husbandry and intensive animal industries. This code includes the following statements:</p> <p><b>PO11</b> <i>Sufficient separation distance is provided between Animal husbandry and Intensive animal industry, public spaces and sensitive land uses on other premises.</i></p> <p><b>AO11</b> <i>Irrespective of boundary setbacks for the relevant zone, area used to contain livestock intensively, whether temporarily or permanently, or waste and by-product disposal areas are located no less than—</i></p> <p>a) <i>50 metres from a road reserve;</i></p> <p>b) <i>250 metres from land in a residential zone including the rural residential zone;</i></p> <p>c) <i>40 metres from another property boundary; and</i></p> <p>d) <i>150 metres from a sensitive land use.</i> <i>provided that a mobile poultry shed housing no more than 200 birds can be as close as 40 metres to any property boundary provided it is within the setbacks specified above for no more than 2 days during any given week.</i></p> <p><b>PO12</b> <i>Sufficient separation distance is provided between livestock and ecologically important areas including national parks, waterways, water bodies and wetlands.</i></p> <p><b>AO12.1</b> <i>Buildings used to house animals, temporary holding yards, areas of waste or by-product disposal are not within 100 metres of</i></p> <p>a) <i>adjoining land in the environmental management and conservation zone; or</i></p> <p>b) <i>a waterway or wetlands as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p><b>AO12.2</b> <i>Where livestock is located on land adjoining a natural waterway or wetland (as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2) fencing prevents livestock entering the waterway or riparian zone.</i></p> <p><b>PO15</b></p>
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			<i>The haulage of animals does not result in environmental nuisance to surrounding sensitive land uses.</i>
23	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, intensive horticulture and wholesale nurseries, PO25</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Reword PO25 to “manages the risk of soil erosion” or “reduces the risk of soil erosion”.</p> <p><b>Reason:</b> As it currently reads, any sort of cropping or agriculture which requires tilling of the land would not be able to meet this PO. As soon as ground is broken by a plough, the risk of soil erosion increases. As such, this provision effectively prohibits many forms of agriculture. This outcome is not consistent with the intentions of the SPP.</p>	<p><b>PO25 now reads as:</b></p> <p><b>“Development manages the risk of soil erosion or landslide and does not lead to sediments, nutrients and other chemicals flowing into drainage lines, waterways or wetlands.”</b></p>
24	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, Intensive Horticulture &amp; Wholesale Nurseries, AO26.3</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend AO26.3 to recognise that spray may be contained by intensive horticulture structures and covered areas and if this is achieved then separation distances are less relevant.</p> <p><b>Reason:</b> The rural zone should support agricultural activities and by including more criteria and the spraying with the setback distances as an acceptable outcome in certain circumstances, agricultural development may be facilitated.</p>	<p><b>AO26.3 now reads as “Unless spray is entirely contained within a structure without risk of escape...”</b></p>
25	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, Intensive Horticulture &amp; Wholesale Nurseries, AO26.5</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend AO26.5 to allow for greater area of combined structures/covered areas that could be necessary for intensive horticulture and wholesale nursery activities for example, by stating the covered areas is ten per cent of the area of the lot.</p> <p><b>Reason:</b> A limit of 1,000m<sup>2</sup> for intensive horticulture structures and covered areas would limit commercial viability of intensive horticulture and wholesale nursery businesses. Unjustified restrictions on the area of these structures has the potential to limit the activity below economic levels and thus constitutes a de-facto prohibition of the activity on a commercial-scale. This is inconsistent with the intent of the SPP Agriculture Policy 4 (a).</p>	<p><b>We have added a new AO that says: “Structures and covered areas associated with intensive horticulture or wholesale nurseries do not exceed 10% of the site.”</b></p> <p><b>We’ve removed any upper limit to size.</b></p>
26	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Mapping, Agricultural Land Overlay, Agricultural Conservation Area, Maps 3 and 4</p> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Provide justification why a large area of land east of Cooroy to Tinbeerwah has been removed from the State ALC Class A/B land mapping</p> <p><b>Reason:</b> It is noted that the Agricultural Conservation Area mapping has been derived by removing a number of conflicting land uses from the ALC Class A/B land mapping, however this area of land doesn’t appear to be in the Urban Footprint or Rural Living Area of the SEQ Regional Plan, in a residential zone or within the Biodiversity Overlay of the new Planning Scheme. Rural activities should be able to be managed to reduce potential impacts on water storages.</p> <p><b>ADDITIONAL COMMENTS:</b> The council can map the land as ALC, and then have appropriate planning scheme provisions to regulate development that could impact on the water supply catchment.</p>	<p>This is the Water Resource Catchment and Water Supply Buffer as shown on the SPP mapping. Previous State Interest comments (from SEQ Water) advised agriculture was not the preferred use in that area and they wanted it to be subject to impact assessment. In the current scheme agriculture would always be assessable in the water supply catchment and going back to the 1985 scheme it was actually prohibited.</p> <p><b>We have reinstated any ALC class A or B mapping to this area however in a water resource catchment or water supply buffer area agricultural uses will be code assessable against the overlay code if they are “a rural activity storing chemicals or keeping livestock on site”.</b></p> <p><b>Table 5.9.9 has been modified and catchment relevant benchmarks shifted from the Rural Activities Code to the Regional Infrastructure Overlay Code.</b></p>

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		Development in water resource catchments and water supply buffer areas should be appropriately sited and designed to avoid the risk of sediments, nutrients and contaminants compromising the quality of the drinking water supply.	
Development and construction			
Ref. Number	Policy Element	Requirement	NSC response
27	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b></p> <ol style="list-style-type: none"> <li>Part 1, Table 5.5.5 Rural Residential – Roadside stall - Accepted development subject to requirements.</li> <li>Part 1, Table 5.5.14 Rural - Roadside stall - Accepted development subject to requirements.</li> </ol> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Include a requirement which ensures that infrastructure associated with the roadside stall is not located within a road. (i.e. roadside stalls are not accepted development if within the road). This should be included in the 'Categories of development and assessment' column in Table 5.5.5 and Table 5.5.14.</p> <p><b>Reason:</b> Roads are State owned land and as the property owner of the road, the state usually doesn't support this type of development within the road. By making this accepted development it removes the requirement for owners' consent for the development. Roadside stalls within the road need to be code assessable development which will allow the State to consider proposals as part of providing owner's consent.</p> <p>Further, it is unclear if this is the intent of Accepted Development requirement AO6.3(c) of the Rural residential zone code. It doesn't address construction of structures or buildings within the road as the requirement in the AO is only it has to be "10 metres from road frontage".</p>	<p><b>We have modified the Tables of Assessment for Rural and Rural Residential Zones to qualify that it won't be Acceptable Development subject to requirements if it is within a road reserve. (It will be code assessable).</b></p> <p><b>Added a new AO to the Rural Residential Zone code that specifies roadside stalls no larger than 9m<sup>2</sup> may be located adjacent to (inside) the front property boundary provided safe space for parking of vehicles is also within the property boundary.</b></p>
28	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone map - Map Code: ZM-14 and section 7.2.6.2 - Purpose and Overall Outcomes</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Recognition is required in the zone map and section 7.2.6.2 of the importance and primary use of the following lots as a fire fuel control buffer between National Park (147/NPW889) and residential development:</p> <ul style="list-style-type: none"> <li>• lot 3 MCH842013</li> <li>• lot 1 AP8130</li> <li>• lot 1 AP8129</li> <li>• lot 10 MCH5425</li> <li>• lot 5 MCH842015</li> <li>• lot 8 SP104270</li> <li>• lot 7 M111117</li> <li>• lot 6 M111116</li> <li>• lot 7 MCH842016</li> <li>• lot 1 AP8132</li> <li>• lot 950 CP900487</li> <li>• lot 9 MCH842018</li> <li>• lot 1 AP8133</li> </ul> <p><b>Reason:</b> <u>With the planning scheme seeking to have more people living in this area via infill</u>, there is a need for acknowledging the importance for a sufficient fire buffer and management regime for the area. The primary use of this land is for fire management and accordingly the land should be zoned or identified to reflect this purpose rather than relying on the 'Environmental Management and Conservation' zoning. Zoning of State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can</p>	<p>The planning scheme does not suggest there will be a significant increase people in the Sunshine Beach - Peregrin Beach strip. It is in fact an area with very little "upzoning" so there is little change from existing scheme other than the same provisions as elsewhere re secondary dwellings (<u>note there are no longer dual occupancies proposed in the Low Density Residential Zone</u>).</p> <p>DNRME has agreed environmental management and conservation is the 'best fit' zone, but wants a footnote to refer to this area as being used for a fire fuel control buffer and is not a primary conservation area.</p> <p><b>We've edited 7.2.6.2 overall outcome (2) (q) to read:</b>  <b>"Development in the local plan area is supported by an extensive network of open space and passive recreation opportunities offered by the foreshore parks, reserves and Noosa National Parks. A buffer between urban development and Noosa National Park facilitates regular fire fuel reduction burning."</b></p> <p><b>At the end of PO20 we've added an Editor's Note as follows:</b>  <b>Regular hazard reduction activities occur in the fire fuel control buffer between the Noosa National Park and urban residential development. These activities are necessary to reduce risk to people and property and may have an unavoidable impact on biodiversity and habitat values.</b></p>

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		<p>also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME previously advised, that at the Whole of Government briefing, it was advised that council's vision for the scheme was to promote Secondary dwellings and particular "dual occupancies" (separate household). This is a form of infill development, and would therefore increase the amount of people living and visiting the area. Infill is not just occurring via up zoning.</p> <p>It is considered that environmental management and conservation is the 'best fit' zone, but a footnote should be used to refer to this area as being used for a fire fuel control buffer and is not a primary conservation area. Furthermore, the use of this land should be acknowledged in section 7.2.6.2 Purpose and Overall outcomes for the Coastal Communities Local Plan Code, and PO20(c) should be amended to ensure fire risk management 'can' significantly impact the biodiversity values as the area will be periodically cleared and burnt.</p>	
29	<p>Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.</p>	<p><b>Planning Scheme Reference:</b> - Zone Map: ZM-4 – Lot 7 MCH4562</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> The zoning of Lot 7 MCH4562 should be split zoned. The footprint of the airstrip should be zoned Community Facilities and the remainder of the lot should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This would more accurately reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Landing Ground for Aircraft. Only the areas which presently have landing and airstrip infrastructure are to be shown as to Community Facilities. The remaining areas contain Matters of State Ecological Significance and therefore should be zoned as Environmental Management and Conservation to reflect these values.</p> <p>Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME previously advised, that this is not the present use or approved use of the land. DNRME understands there is no date for this closure to occur and council has not sought to surrender or amend the purposes of the reserve.</p> <p>Therefore, it was recommended that the zoning be amended to reflect the approved present use as previously suggested.</p> <p>Council could also include the future intent for the area in the scheme's Strategic Framework. This could be done by acknowledging the Great Sandy Management Plan outcomes.</p> <p>Council acknowledged that zone changes in this area previously have drawn significant community interest and opposition, in terms of a zone change from Environmental Management and conservation zone to community facilities zone.</p> <p>Previous attempts to change the purpose of the reserve have been difficult, due in part to the trustee lease. Council needs to liaise with the DNRME about possible solutions as the two trustee leases combined only covers less than 2000m2 of the entire 428Ha site.</p> <p>Council intend to acknowledge the existing uses of the reserve in the strategic framework of the planning scheme.</p> <p>DNRME support councils proposed zone in the draft scheme, but the strategic framework needs to acknowledge:</p> <ul style="list-style-type: none"> <li>- the existing land use as an airstrip</li> <li>- the existing land use will not be expanded</li> </ul>	<p>The Teewah airstrip is now and has consistently been zoned for open space purposes. Council has objected to helicopter and fixed wing aircraft (other than emergency landings) on this site for some time and its use for commercial aircraft including pilot training has received significant community objection. In 2014 Noosa Council resolved to restrict use of the airstrip and sought to have the land tenure changed to open space. Showing it as an airstrip into the future is contrary to the views of Council and the community and adopted State policy.</p> <p>DA Approval was given for Transport Type 4 (aeronautical hanger) in 2010 with two extensions given – the latest granted Jan 2018. This is for hang gliders.</p> <p>The Great Sandy Management Plan first adopted by the State in 1994 and revised in 2005 states that <b><i>"The Noosa North Shore airstrip will be closed and added to the Cooloola Section of the Great Sandy National Park, although continued use of the area by ultralight aircraft will be permitted."</i></b></p> <p><b>Within the Strategic Framework we have added a new Strategic Outcome under Transport and Movement as follows:</b></p> <p><b><i>The Noosa Aerodrome off Weyba Drive, Noosaville is retained and operated as the only commercial airstrip within Noosa Shire. Use of the Noosa North Shore airstrip will not be expanded and the airstrip will ultimately be closed and added to the Cooloola Section of the Great Sandy National Park.</i></b></p>

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		- the present land use will stop in the future as per the Great Sandy Management Plan outcomes.	
30 SAME PROPERTY AS ADDRESSED AT #44 BELOW	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM-1 - Lot 415 MCH366</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 415 MCH366 should be rural.</p> <p><b>Reason:</b> A rural zoning would more accurately reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve for Quarry—with Noosa Shire Council as the trustee. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been be changed to Rural.
31 SAME PROPERTY AS ADDRESSED AT #45	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 3 – Lot 78 MCH1046</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 78 MCH1046 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Environmental Purposes. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management & Conservation.
32 SAME PROPERTY AS ADDRESSED AT #46	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM – Lot 17 MCH3984</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Lot 17 MCH3984 should be zoned Environmental Management and Conservation or Rural.</p> <p><b>Reason:</b> This reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Gravel purposes. The present scheme has this area zoned as Open Space Conservation. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management & Conservation.
33	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – lot 492 SP287419</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 492 SP287419 should be zoned Rural or Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve with Noosa Shire Council as the trustee, for Quarry. The proposed zoning of community facility zone does not contain an annotation for the intended use and does not fit with the purpose of the reserve. While this may have been the zoning under the present scheme, it no longer reflects the purpose of the reserve. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management and Conservation
34	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – lot 491 SP287419</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p>	Zone has been changed to Environmental Management and Conservation

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		<p><b>Advice:</b> Lot 492 SP287419 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve with Noosa Shire Council as the trustee, for Environmental Purposes. The proposed zoning of Community facility zone does not contain an annotation for the intended use and does not fit with the purpose of the reserve. While this may have been the zoning under the present scheme, it no longer reflects the purpose of the reserve. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	
35	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 5 - Lot 1 MCH842782</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 1 MCH842782 should be zoned Environmental Management and Conservation</p> <p><b>Reason:</b> The lot is Unallocated State Land and is proposed to be included into the adjoining protected area estate. This reflects the State's future aspirations for the site. The site also contains areas of Matters of State Ecological Significance and these areas should be in a conservation zone.</p>	<b>Zone has been changed to Environmental Management and Conservation</b>
36	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 12 – Noosa River area in Noosaville</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Advice:</b> The Noosa River Marine Facility Leases in the Noosaville locality are not zoned consistently; the majority are zoned Recreation and Open Space. There are two lots which are not zoned and should be zoned.</p> <p><b>Reason:</b> While the Recreation and open space zone isn't a perfect fit for the marine facility leases, the zone code and local plan code provisions address Council's intentions for the Noosaville foreshore. For consistency, all leases should be zoned to ensure it is clear that further commercial development on or along the river is limited by the Performance Outcomes in the <i>Noosaville local plan code – Noosa River, PO23-27</i>.</p>	<b>All commercial leases in the Noosa River along Gympie Terrace have now been zoned Recreation and Open Space.</b>
37	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Table 6.6.1.3 Criteria for assessment – PO7</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Advice:</b> Define the use terms used in PO7: the recreation and open space zone code has a performance outcome (PO7) that relates to 'temporary.... outdoor entertainment events', yet this use term is not defined and has no criteria or guidance given for the intended meaning.</p> <p><b>Reason:</b> Lot 92 MCH5166 is identified on Zone Map: ZM-12 as 'recreation and open space zone'. This lot is State-owned land with a land lease for the granted purpose of 'recreation'. Some types of outdoor entertainment, depending on the scale and impacts, could potentially conflict with the purpose of the lease. The lease plays an important role in serving the recreation needs of the community, and in turn, the neighbouring community has expectations regarding how the land is to be used. The community should have a clear understanding about the types of uses that are consistent with the leases purpose, and the types of uses that require development approval. Therefore, the planning scheme should include criteria or a definition regarding what constitutes a temporary outdoor entertainment event.</p> <p><b>Additional Advice:</b> There are examples of this property being previously used for helicopter joy rides and music festivals which has had significant impacts on amenity, safe traffic environment and character of the surrounding area.</p>	<p>Lot 92MCH5166 is the Aussie Rules football field where the farmers markets are held as well as the occasional circus. Apparently, there has been instances of inappropriate festival or concert events which have caused concern. DNRME suggest there's something lacking in the property management process for events.</p> <p>It is common for sports grounds and other areas of open space to host occasional events. For example at Tewantin sports ground a rodeo one night every year event occurs. At a show ground you occasionally get some inflatable water world for a few days in summer school holidays. On Gympie Terrace foreshore and at the Woods near Hastings Street there are often one-day community events or festivals.</p> <p><b>PO7 now reads as</b> "Temporary uses, such as markets or outdoor entertainment events, are supported by existing facilities and do not significantly impact on the amenity, safe traffic environment and character of the surrounding area."</p> <p>"Temporary uses" is a term defined by the Planning Regs and included in the administrative definitions of the scheme. It is suggested that it may be management problem if inappropriate events are being approved and that particularly loud events could not possibly meet that PO. Obviously temporary uses are not to be repeated on a regular (e.g. fortnightly or monthly) basis.</p> <p>That PO applies to the zone not one specific site. The table of development specifies the consistent uses.</p>



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		Without a definition of temporary or periodic events this PO is unmeasurable.	
Mining and extractive resources			
Ref. Number	Policy Elements	Requirement	NSC response
38	Extractive resources are protected and mineral, coal, petroleum and gas resources are appropriately considered to support the productive use of resources, a strong mining and resource industry, economical supply of construction materials, and avoid land use conflicts where possible.	<p><b>Planning Scheme Reference: Overlay map</b> – Extractive resources showing Key Resource Areas (KRA)</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Change the extent of the Wahpunga Range KRA 57 to be consistent with the current SPP mapping.</p> <p><b>Reason:</b> Although it was envisaged that amendments to the extent of the Wahpunga Range KRA 57 would be made before the scheme was finalised for state interest review, this has not yet occurred and it would be premature to advertise the planning scheme with revised KRA boundaries when these have yet been approved by the Minister for Planning and therefore reflected in the SPP mapping. It is suggested that a footnote be included, noting that the KRA shown in the scheme is consistent with the SPP but that there are proposed changes to the boundary and directing the public to contact the council for further information.</p>	<p><b>Overlay mapping has been changed and a footnote added.</b></p> <p>We note however that DNRME have completed consultation on a revised shape and are now preparing a consultation report that will be forwarded from the Minister for Natural Resources Mines and Energy to the Minister for State Development, Infrastructure and Planning recommending the proposed amendment for adoption in the State Planning Policy Guidelines.</p> <p>Should the proposed amendment to KRA57 be resolved prior to State sign off, Council will reflect the revised boundary in the scheme.</p>

### Planning for the environment and heritage

Biodiversity			
Ref. Number	Policy Elements	Requirement	NSC response
39	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Strategic Framework</p> <p><b>Integration of state interest:</b> Integrated</p> <p><b>Action:</b> Identify the extent of the UNESCO Noosa Biosphere – does it encompass the whole local government area?</p> <p><b>Reason:</b> It's unclear what the extent of the biosphere is.</p>	Yes it does encompass the whole Shire – 3.2.2 of the Strategic Framework says “ <i>In September 2007, Noosa Shire was declared a Biosphere Reserve under UNESCO’s Man and the Biosphere Program in recognition of the commitment by the community to environmental excellence and the pursuit of ecologically sustainable development.</i> ”
40	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> 8.2.2.3. PO3 – Biodiversity Overlay Code, Biodiversity mapping layer</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Clearly identify locations subject to Koala Assessable Development Areas (KADA) requirements and areas of MSES and MLES.</p> <p><b>Reason:</b> Acknowledgement is given to the work involved to map koala habitat within the local government area and for use within the Biodiversity Overlay. Support is given for the shire-wide avoidance requirement in the overlay code. For clarity, the mapping and code could clarify the extent of the KADA within the local government area and the extent of MLES and MSES for the purposes of clarifying the extent of MSES for offset requirements under the <i>Environmental Offsets Act 2014</i> – this is necessary, because local government can only require offsets for MLES, and not MSES. The Department of Environment and Science offers assistance to work directly with the council to finalise mapping and code requirements, particularly where they relate to koalas and offsets.</p> <p><b>ADDITIONAL COMMENTS:</b> DES previously advised that the mapping of the extent of the KADA is supported.</p> <p>However, further work is required to differentiate the extent of MLES and MSES for the purposes of clarifying the extent of MSES for offset requirements under the <i>Environmental Offsets Act 2014</i>. This is necessary because local government can only require offsets for MLES, and not MSES. The Department of Environment and Science offers assistance to work directly with the council to finalise mapping and code requirements, particularly where they relate to koalas and offsets.</p> <p>DES and DSDMIP met with the council on 28/8/18, where the MSES requirements were explained.</p> <p>It was agreed that the council would provide the mapping methodology for the Koala Habitat Area map to DES and DSDMIP and DES could provide confirmation about the methodology being satisfactory. Council has provided this mapping.</p>	<p>Koala Habitat Map has been changed to show the Koala Assessable Development Area.</p> <p><b>Following discussions with the DES, council has added category C and A mapping and Legally secured offset areas to the Biodiversity Overlay ‘Area of Biodiversity Significance’.</b></p> <p><b>A new layer has been added to this biodiversity overlay map to show all the SPP MSES map layers as a separate layer (except for category R regulated veg which is now shown on the second biodiversity map). This will help distinguish the locally significant veg from the MSES. The following note has been added to the map to explain this:</b></p> <p><b><i>MSES environmental values represent the State Planning Policy Matters of State Environmental Significance (MSES) map layers. However, it does not include Category R regulated vegetation – this is shown on the Biodiversity, Waterways and Wetlands Overlay (ii) as part of the Riparian Buffer Area.</i></b></p> <p><b>The Category R regulated veg layer for the Great Barrier Reef regrowth watercourse veg is to be shown on the</b></p>

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		<p>DSDMIP advised that the SPP requires MSES to be identified and that development is located in areas that avoid adverse impacts, or where adverse impacts cannot be reasonably avoided, they are minimised (HOWEVER, the planning scheme must not include assessment criteria for MSES which duplicate a state assessment process – this includes MSES that is koala habitat) – see section 2 of the guidance material for biodiversity for guidance on how to appropriately integrate the policy for MSES. Council will revisit planning scheme provisions which rely on the biodiversity overlay to ensure there's no duplication of assessment with the state process.</p> <p>DSDMIP reminded the council that MSES is made up of lots and lots of different datasets – they are defined in Part G of the SPP, and spatially represented on the SPP interactive mapping system where possible. Part 3 of the guidance material for biodiversity also provides further guidance on mapping. It's worth noting that least concern REs are not MSES, but are still an environmental value that the local government could map. The guidance document provides a list of some of the other environmental values that aren't considered MSES.</p> <p>Additional action for council:</p> <ul style="list-style-type: none"> <li>In regards to Matters of National Environmental Significance (MNES), the SPP requires local government planning schemes ensure development is located in areas to avoid significant impacts on MNES and considers the requirements of the Environment Protection and Biodiversity Conservation Act 1999. Given the way the planning scheme currently shows biodiversity in the overlay map, it's unclear if the council has complied with this policy.</li> <li>Currently, the only MSES for which a local government can require offsets, is non-juvenile koala habitat trees as defined in Schedule 24 of the Planning Regulation 2017. The Planning Regulation 2017, Schedule 11 has the assessment benchmarks for development in a koala habitat area that the local government, as assessment manager must assess against. The Noosa Shire contains Koala assessable development areas (KADA). The council could provide a note on the map and/or in the planning scheme about the assessment requirements under the Planning Regulation 2017.</li> </ul>	<p><b>second Biodiversity Overlay Map with the waterways and riparian buffers with the following note added to the map:</b></p> <p><b><i>The Riparian Buffer Area shows protective buffers for mapped waterways across Noosa Shire and incorporates the State Planning Policy Matters of State Environmental Significance (MSES) map layer for Category R Regulated Vegetation areas in the Mary River Catchment.</i></b></p> <p><b>Council has provided DES and DSDMIP with a copy of the methodology for the Koala Mapping from Healthy Land and Water, as well as map files for koala and riparian buffer areas and awaits state response.</b></p>
41	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> 8.2.2.3, AO4.3 – Biodiversity Overlay Code</p> <p><b>Integration of state interest:</b> <i>Integrated</i></p> <p><b>Advice:</b> The Department of Environment and Science is currently working with Bundaberg Regional Council regarding more detailed development codes for lighting impact on turtles. As this work progresses in 2018, further details can be provided to the council for incorporation into the draft planning scheme. Similarly, mapping can be provided to the council which confirms the extent of known turtle beaches for inclusion in the planning scheme.</p> <p>In regard to terminology, it's preferable to refer to turtles as marine turtles, no sea turtles.</p> <p><b>Reason:</b> The proposed reference to lighting impact on marine turtles and nesting beaches is supported however refinement of these types of provisions may become available for inclusion in the planning scheme prior to its finalisation. Note that this code is likely to be associated with mapping of the relevant parts of the coastal zone to be subject to specific lighting requirements.</p> <p><b>ADDITIONAL COMMENTS:</b> Regarding suggested turtle lighting policy, DES will be in a position to provide policy direction in late 2018 as work progresses at Bundaberg with DSDMIP. DES will advise when policy is available.</p>	Council is happy to incorporate any additional provisions and mapping in the planning scheme for marine turtles when this information is available from DES. <b>References to turtles have been changed to 'marine turtles'.</b>
42	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Table 8.2.2.3, PO1, PO11 – Biodiversity Overlay Code</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Where in a KADA area, align clearing requirements in the PO1 and PO11 of the Biodiversity Overlay Code to reflect the koala habitat provisions of the Planning Regulation 2017, which limits clearing of high value koala habitat areas (ie limit total cleared areas associated with development to 500m2 and extractive industry and other areas to 5,000m2). Outside of KADA areas, consider applying the same provisions for consistency. Also, add an editor's note referring to the relevant parts of the Planning Regulation 2017 (koala habitat areas).</p> <p><b>Reason:</b> Proposed AOs regarding clearing in koala areas are inconsistent with the provisions of Schedule 10, Part 10 and Schedule 11 of the Planning Regulation 2017 regarding the KADAs in the Noosa Shire.</p> <p><b>ADDITIONAL COMMENTS:</b> DES accepts council's 'exempt clearing' approach for koala habitat outside the PKADA and KADA areas if it does not permit greater areas of clearing than the current Planning Regulation 2017 requirements. The State has commenced reviewing the planning framework as it relates to koala habitat and this new policy may be implemented during the life of this scheme review. DES will keep DSDMIP and council informed on progress.</p> <p>DSDMIP comment – in regard to AO11.6, please make sure the wording is clear and specific about what part of Schedule 11 the AO requires.</p>	<p>The Biodiversity Overlay can reference the koala habitat provisions in the Planning Regulation for all clearing of koala habitat whether inside or outside a KADA. Wording changed to:</p> <p><b>AO11.6</b> <i>During construction, measures are incorporated to not increase the risk of death or injury to koalas, including koala requirements for native vegetation clearing set out in Schedule 11 of the Planning Regulation 2017.</i></p> <p><b>Council is of the understanding that all of Schedule 11 would be relevant.</b></p> <p>Council does not support the inclusion of any additional clearing exemptions for koala habitat beyond the proposed exemptions, defined as 'exempt clearing'. This allows for better protection of both local and state significant koala habitat as it does not set an arbitrary limit to the total cleared areas but ensures clearing that is only reasonably necessary for the development intended for that site. Other provisions in the code help ensure development impacts are minimised.</p>

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			Council notes DES's comments about their policy review and we await the results. The 'exempt clearing' approach does not permit greater clearing than what is allowed under the Planning Regs. No further action required.
43	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Bushfire management Table 8.2.2.3 Criteria for assessable development</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Amend the code to ensure that the bushfire management measures are carried out on the property subject to development, not any adjoining property. For example: PO12 Bushfire management measures are adopted on the subject lot...</p> <p><b>Reason:</b> Clearing for bushfire management measures should be undertaken on the property subject to the development not adjoining property (this includes State owned land).</p>	Council added new AO - AO8.3 "Bushfire management measures are carried out on the subject property and not any adjoining property."
44 SAME SITE AS ADDRESSED IN 30 ABOVE	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 1 - Lot 415 MCH366</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 415 MCH366 should be Rural.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a rural zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a rural zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Rural
45 SAME PROPERTY AS ADDRESSED IN #31	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 3 – Lot 78 MCH1046</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 78 MCH1046 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Environmental Management & Conservation
46 SAME PROPERTY AS ADDRESSED IN #32	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – Lot 17 MCH3984</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Lot 17 MCH3984 should be zoned Environmental Management and Conservation or Rural.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone or a rural zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Environmental Management & Conservation.
47	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 11 – Lot 372 MCH3843</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 372 MCH3843 should be zoned Environmental Management and Conservation, and the areas which are not MSES zoned Recreation and Open Space</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Split zoning has been reapplied so biodiversity values and MSES included in Environmental Management & Conservation.
48	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 12 - Lot 801 SP153455</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 801 SP153455 should be zoned Environmental Management and Conservation and the areas which are not MSES zoned Community Facilities.</p> <p><b>Reason:</b> The lot contains areas of Matters of State Ecological Significance and these areas should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) through the use of zones which are not</p>	Council believes this is inconsistent with how all other schools have been treated given Noosaville State School, Pomona State School, Noosa District High (both Pomona and Cooroy Campuses), Noosa Christian Collage at Cooroy and Sunshine Beach Primary School all contain MSES and yet are all entirely within the Community Facilities Zone.

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		<p>up zoning. This also prevents the area being considered an 'urban area' under the <i>Planning Regulation 2017</i> and then being 'exempt clearing work' (i.e. accepted development).</p> <p><b>ADDITIONAL COMMENTS:</b> DSDMIP has recently added an infrastructure designation layer to the SARA DA Mapping System. A review of this layer shows that there is no infrastructure designation on this lot.</p> <p>The subject vegetation is least concern veg, and essential habitat (which makes it MSES). The subject vegetation is covered by the 'Area of biodiversity significance' overlay area on the proposed Biodiversity, Waterways and Wetlands Overlay map.</p> <p>This issue is not a matter of consistency with other school sites, but is about up-zoning (Current zone – Split community services / open space conservation. Proposed zone – Wholly community facilities).</p>	<p>The zoning of St Teresa's as with the rest of the Doonella Noosa Estate was put in place before all the development occurred and there was an approved masterplan that indicated where eventual land uses would occur. It was important to assure development of the school respected the vegetation on site. For this reason Council has a biodiversity overlay that covers the vegetation.</p> <p><b>Council will reinstate the split zoning of St Teresa's school at Noosaville as requested.</b></p>
49	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 13 - Lot 1 SP239726</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 1 SP239726 should be zoned Environmental Management and Conservation, and the areas which are not MSES zoned Recreation and Open Space.</p> <p><b>Reason:</b> The lot contains areas of Matters of State Ecological Significance and these areas should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) through the use of zones which are not up zoning. This also prevents the area being considered an 'urban area' under the <i>Planning Regulation 2017</i> and then being 'exempt clearing work' (i.e. accepted development).</p> <p><b>ADDITIONAL COMMENTS:</b> It is unclear why this change 'would prevent another sports ground' as suggested in Council's comment. As part of the development assessment of any proposal (e.g. a sporting field), the on-ground extent of the vegetation is assessed.</p> <p>DNRME's advice reflects the mapped values of the site and would set a level of assessment for any development on the site.</p> <p>Furthermore, there may be some confusion caused by the size and configuration of Lot 1 SP239726. DNRME's comments related to the proposed zoning change adjacent to the sports fields, and did not relate to changes adjacent to the Noosa Heads Police Station.</p> <p>The area adjacent to the Police Station has a small amount of land that was previously Open Space Conservation that is proposed to be zoned Community Facilities. However, DNRME acknowledges that overall the outcome will be a net reduction in Community Facilities zoning in this area via a reconfiguration of the zoning. Therefore, DNRME supports the proposed change adjacent to the Police Station.</p>	<p>DNRME supports the proposed change adjacent to the Police Station for the Shine Houses.</p> <p>In relation to the expansion of Girraween sports fields, Council will not pursue this right now. The LGIP still identifies a shortfall / broader need in the area generally but it may need to be met elsewhere depending on land constraints.</p>
Coastal environment			
Ref. Number	Policy Elements	Requirement	NSC response
50	The coastal environment is protected and enhanced, while supporting opportunities for coastal-dependant development, compatible urban form, and maintaining appropriate public use of and access to, and along, state coastal land.	<p><b>Planning Scheme Reference:</b> 8.2.4 – Coastal Protection Overlay Code and Coastal Protection Overlay</p> <p><b>Integration of state interest:</b> <i>State interest integrated however more information required</i></p> <p><b>Action:</b> Provide coastal hazard area mapping</p> <p><b>Reason:</b> The code provisions associated with development in relation to the coastal hazard area are supported subject to sighting the coastal hazard area maps.</p> <p><b>ADDITIONAL COMMENTS:</b> The technical details on the Q100 report are still being reviewed. Further advice will follow if there are any technical matters requiring review.</p>	<p>The Coastal Hazards Assessment Report March 2018 has been uploaded to eplanning portal.</p> <p><b>DES is still reviewing the technical details on the Q100 report and will advise further if there are any technical matters requiring review.</b></p>
Cultural heritage			
Ref. Number	Policy Elements	Requirement	NSC response
51	The cultural heritage significance of heritage places and heritage areas, including places of Aboriginal and Torres Strait Islander cultural heritage, is conserved for the benefit of the	<p><b>Planning Scheme Reference:</b> 8.2.7 – Heritage Overlay Code</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Revise by adding a statement about the local heritage significance of the local cultural heritage significance of the place or area (Noosa Local Heritage Register).</p>	<p>The Historical Cultural Heritage of Noosa Shire 2002 report has been uploaded to the eplanning portal. It includes an historical overview and context for approximately 180 local heritage places. The report and citations require updating and review. This will be completed next calendar year as resources allow. If this review recommends changes to the listings, maps or</p>

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	community and future generations	<p><b>Reason:</b> The SPP requires the identification of local heritage places including a statement of local cultural heritage significance. Whilst the character areas contain requirements for places within the character areas, there is a lack of statements of local heritage significance for local heritage places outside the character areas.</p> <p><b>ADDITIONAL COMMENTS:</b> It is acknowledged that further work will proceed next year regarding the local heritage place statements of significance. This is an important element to satisfy the SPP cultural heritage state interest.</p>	provisions of the scheme, a scheme amendment will be pursued as a result.				
Water quality							
Ref. Number	Policy Elements	Requirement	NSC response				
52	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference:</b> 9.4.9.3 – Stormwater quality and protection of receiving waters PO6</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> AO6.2 to include reference to design objectives for gross pollutants (90% for &gt;5mm) in accordance with Appendix 2 of the SPP.</p> <p><b>Reason:</b> The contents of Appendix 2 are not fully reflected in the code.</p>	<p>The wording has been changed to include reference to the design objectives for gross pollutants as follows:</p> <p><b>AO6.2</b> <i>All stormwater runoff is treated to achieve maximum removal of nutrients, gross pollutants and suspended solids as determined by cost to efficiency ratios. (e.g. bioretention basins must be sized to achieve at least 80% reduction in total suspended solids, 60% reduction in total phosphorous, 45% reduction in total nitrogen and 90% reduction in gross pollutants &gt;5mm).</i></p>				
NEW COMMENTS FROM SEQWATER							
a	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference:</b> <b>Strategic Framework 3.3.4 Biodiversity and Environment</b></p> <p><b>Action:</b> Please insert the following to point (h) (h)The quality and quantity of groundwater, surface water and wastewater discharge is optimised to minimise impacts to receiving waters, maximise opportunities for reuse, recovery and groundwater recharge, protect drinking water supply <u>through provision of appropriate buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability.</u></p> <p>Also please make the following a separate point (...)Enhance opportunities for agriculture, fisheries, tourism and recreation where possible meeting (h).</p> <p><b>Reason:</b> The SPP requires that water quality be maintained and improved in drinking water catchments. There are a few minor amendments that will improve the protection of drinking water quality. The importance of the protection of water quality and the water supply catchment areas are integral to the viability of a sustainable future. This change highlights the importance of buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability.</p>	<p>3.3.4 (h) now reads:</p> <p><i>The quality and quantity of groundwater, surface water and wastewater discharge is optimised to minimise impacts to receiving waters, maximise opportunities for reuse, recovery and groundwater recharge, protect drinking water supply through provision of appropriate buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability. The high quality of waters also enhance opportunities for agriculture, fisheries, tourism and recreation.</i></p>				
b	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference:</b> <b>Cooroy Local Plan</b></p> <p><b>Action:</b> Please insert a relevant Purpose statement and Overall Outcome to provide line of sight in the Local Plan.</p> <p><b>Reason:</b> The Cooroy Local Plan contains two POs relevant to drinking water quality.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p> </td> <td style="width: 50%; padding: 5px;"> <p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p> </td> </tr> <tr> <td style="width: 50%; padding: 5px;"> <p><b>PO24</b> The number and location of access points to watercourses is controlled and managed to prevent adverse impacts on water quality in Lake Macdonald.</p> </td> <td style="width: 50%; padding: 5px;"> <p>No acceptable outcome provided</p> </td> </tr> </table>	<p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p>	<p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p>	<p><b>PO24</b> The number and location of access points to watercourses is controlled and managed to prevent adverse impacts on water quality in Lake Macdonald.</p>	<p>No acceptable outcome provided</p>	<p><b>New Overall outcome has been added to Cooroy Local area Plan as follows:</b></p> <p><i>The protection of water quality within Lake Macdonald and waterways that drain to it is a paramount factor in consideration of development within the water supply catchment.</i></p>
<p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p>	<p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p>						
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<p>c</p>	<p>The environmental values and quality of Queensland waters are protected and enhanced.</p>	<p><b>Planning Scheme Reference: Table 8.2.9.3 Criteria for assessable development- Water Resources</b></p> <p><b>Action:</b> Please insert additional POs in table 8.2.9.3</p> <table border="1" data-bbox="774 283 2033 573"> <tr> <td>Development within a Water supply buffer does not include the incineration or burial of waste and all other waste is collected and stored in weather proof, sealed waste receptacles, located in roofed and bunded areas, for disposal by a licenced contractor.</td> <td>No acceptable outcome provided</td> </tr> <tr> <td>Management, handling and storage of hazardous chemicals (including fuelling of vehicles) within a Water supply buffer, is undertaken in secured, climate controlled, weather proof, level and bunded enclosures.</td> <td>No acceptable outcome provided</td> </tr> <tr> <td><b>Development maintains an adequate separation distance and avoids areas of potential flood inundation to protect waterways or water supply sources.</b></td> <td><b>Development complies with the separation distances by stream order as specified in Table X.</b></td> </tr> </table> <table border="1" data-bbox="774 604 1448 1518"> <thead> <tr> <th>Development type and activities</th> <th>Stream Order 1 To 3</th> <th>Stream Order 4 or greater</th> </tr> </thead> <tbody> <tr> <td>Intensive animal industry</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Aquaculture</td> <td>Case-by-case basis</td> <td>Case-by-case basis</td> </tr> <tr> <td>All other agricultural or forestry land uses</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Extractive industry</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>All other industrial uses</td> <td>100m</td> <td>100m</td> </tr> <tr> <td>Motor sport facility</td> <td></td> <td></td> </tr> <tr> <td>Outdoor sport and recreation</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Major sport, recreation and entertainment facility</td> <td></td> <td></td> </tr> <tr> <td>Service station</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>All other development types</td> <td>50m</td> <td>100m</td> </tr> </tbody> </table> <p style="text-align: right;"><b>Table X</b></p> <p><b>Reason:</b> The addition of these items strengthens this code to meet the intent of the drinking water quality objectives. These items are not specifically picked up in the Water Quality and Drainage Code.</p>	Development within a Water supply buffer does not include the incineration or burial of waste and all other waste is collected and stored in weather proof, sealed waste receptacles, located in roofed and bunded areas, for disposal by a licenced contractor.	No acceptable outcome provided	Management, handling and storage of hazardous chemicals (including fuelling of vehicles) within a Water supply buffer, is undertaken in secured, climate controlled, weather proof, level and bunded enclosures.	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<p>d</p>	<p>The environmental values and quality of Queensland waters are protected and enhanced.</p>	<p><b>Planning Scheme Reference: Wastewater management and effluent disposal Table 9.4.9.3 Criteria for assessment</b></p> <p><b>Action:</b> Consider adding more details to the note to strengthen the note for onsite effluent treatment and disposal</p> <p><b>Editor's Note—The Plumbing and Drainage Act 2003 sets out requirements for onsite effluent treatment and disposal. The Queensland Plumbing and Wastewater Code and associated guidelines are used to confirm the suitability of each site to accommodate an on-site sewerage facility; or where a centrally located group collection treatment system is proposed, confirmation as to the suitability of the designated site to accommodate the on-site sewerage facility. Additionally, where the combined total peak design capacity of effluent treatment is less than 21 equivalent persons,</b></p>	<p>Editor's note expanded as requested.</p>																																																																					

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		<p><i>the design of the system achieves a low to medium risk classification in accordance with Seqwater's Land Use Risk Tool for onsite sewerage facilities.</i></p> <p><b>Reason:</b> This amendment provides clarity for onsite effluent treatment requirements. The Plumbing and Drainage Act and Queensland Plumbing and Wastewater Code do not have requirements regarding pathogens and other factors which can impact drinking water quality objectives. This is inbuilt into Seqwater's Land Use Risk Tool for onsite sewerage facilities. This tool will be available online soon.</p>	
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### Planning for safety and resilience to hazards

Emissions and hazardous activities			
Ref. Number	Policy Element	Requirement	NSC response
53	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b> Strategic framework – Acid Sulfate Soils</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Amend the provision on Acid Sulfate Soils (ASS) to achieve the intent of the following: The disturbance of acid sulfate soils should be avoided where possible. Where disturbance is unavoidable, the disturbance should be minimised or managed to prevent the mobilisation and release of acid, iron and other contaminants.</p> <p><b>Reason:</b> Avoiding disturbance of ASS should always be the management control applied in the first instance as stated in policy 7 of this state interest in the SPP.</p>	<p><b>Wording in Strategic Framework Strategic intent 3.2.9 has been changed as follows:</b></p> <p><b>Low lying areas across Noosa Shire contain acid sulfate soils that, if exposed, can result in damage to buildings, assets, infrastructure and the local environment. The disturbance of acid sulfate soils is avoided where possible. Where disturbance is unavoidable, the disturbance should be minimised or managed to prevent the mobilisation and release of acid, iron and other contaminants. Areas subject to potential acid sulfate soils are shown on the Acid Sulfate Soils Overlay Maps in Schedule 2.</b></p>
54	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b> Strategic framework – Abandoned mines</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> In the strategic framework, acknowledge that the local government area contains hazards relating to former mining activities (i.e. Abandoned Mines including disused underground mines, tunnels and shafts)</p> <p>A footnote or link could be provided in the scheme that refers to the following information:</p> <ul style="list-style-type: none"> <li>Historic information relating to abandoned mines is held by the Department of Natural Resources, Mines and Energy.</li> <li>Information about specific historic mining sites can be obtained from the Abandoned Mines Unit <a href="mailto:abandonedmines@dhrm.qld.gov.au">abandonedmines@dhrm.qld.gov.au</a> or by contacting 13QGOV (13 74 68).</li> <li>Visit the Queensland Government website for more information on abandoned mines <a href="http://www.qld.gov.au/environment/land/abandoned-mines/">www.qld.gov.au/environment/land/abandoned-mines/</a>.</li> </ul> <p>The strategic framework could also include a comment such as: “Sensitive land uses are protected from the impacts of these former mining activities and related hazards.”</p> <p><b>Reason:</b> The scheme makes no reference to this hazard, as required by policy 4 of the state interest.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME provided their preferred wording to align with the soon-to-be-released SPP guidance material.</p>	<p><b>Additional wording added to Strategic Intent 3.2.9:</b></p> <p><b>“Noosa Shire contains hazardous abandoned mines relating to former mining activity, including disused underground mines, tunnels and shafts. Information on abandoned mines can be obtained by visiting the Queensland Government website for more information <a href="http://www.qld.gov.au/environment/land/abandoned-mines/">www.qld.gov.au/environment/land/abandoned-mines/</a> and additional information on historic mining activities can be gained from the Minesonlinemaps <a href="https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/minesonlinemaps">https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/minesonlinemaps</a>. Note: This mapping does not spatially represent all former mining activities in the Council area, and their extent. However, these mining layers do give an indication of where there is an increased risk of hazards from former mining activities so that further geotechnical investigations can be undertaken where necessary.”</b></p> <p><b>Additional strategic outcome 3.3.8 added:</b> <b>“Sensitive land uses are protected from the impacts of former mining activities and related hazards”.</b></p>
55	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b></p> <ul style="list-style-type: none"> <li>section 8.2.9.2(2)(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code</li> <li>table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> The focus of the code needs to be changed to focus on protecting the approved pipeline corridor rather than the pipeline. Below are recommended provisions.</p>	<p><b>Overall outcomes sought for the Regional Infrastructure overlay code include the following:</b></p> <p><b>For Major Energy Infrastructure:</b></p> <ol style="list-style-type: none"> <li>Development provides for adequate separation from the Powerlink Transmission Line Corridor.</li> <li>Development avoids compromising the operation of major electricity infrastructure including the Powerlink Transmission Line.</li> <li>The number of people exposed to the potential adverse impacts of major electricity infrastructure is minimised.</li> <li>Development provides for adequate separation from the gas pipeline and corridor.</li> </ol>

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		<ul style="list-style-type: none"> <li>Section 8.2.9.2(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code             <ul style="list-style-type: none"> <li>(b) For the gas pipeline corridor and buffer area:                 <ul style="list-style-type: none"> <li>(i) Development provides for adequate separation from the gas pipeline corridor.</li> <li>(ii) Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</li> <li>(iii) Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</li> <li>(iv) The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</li> </ul> </li> </ul> </li> <li>Table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <table border="1" data-bbox="786 569 1712 1115"> <tr> <td data-bbox="786 569 1130 1115"> <b>PO1</b>                      Development, including uses and works are constructed and operated to avoid:-                      (a) compromising the viability of the gas pipeline corridor; or                      (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.                 </td> <td data-bbox="1130 569 1712 1115"> <b>AO1.1</b>                      Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.   <b>AO1.2</b>                      The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor.                      OR  <b>AO1.3</b>                      Written confirmation of the pipeline licence holder of Petroleum Pipeline Licence 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.   <i>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</i> </td> </tr> </table> <p><b>Reason:</b> While Petroleum Pipeline Licence 32 is authorised under the Petroleum and Gas (Production and Safety) Act 2004 and the associated easement exists within the planning scheme area, to date the pipeline has not been constructed. While the pipeline has not been constructed, the pipeline corridor should be protected from encroachment.</p> <p>The draft scheme provisions presently focus on an existing pipeline, which isn't correct and therefore may not protect a future pipeline from encroachment by development that would compromise its ability to operate safely and effectively.</p> <p>As the pipeline corridor passes through the Sunshine Coast Regional Council local government area too, it is recommended that similar provisions be utilised for the Noosa Shire.</p>	<b>PO1</b> Development, including uses and works are constructed and operated to avoid:- (a) compromising the viability of the gas pipeline corridor; or (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.	<b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.  <b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR <b>AO1.3</b> Written confirmation of the pipeline licence holder of Petroleum Pipeline Licence 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.  <i>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</i>	<ul style="list-style-type: none"> <li>(v) <u>Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</u></li> <li>(vi) <u>Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</u></li> <li>(vii) <u>The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</u></li> </ul> <p>Within Table 8.2.9.4 PO1 and AO1 read as follows:</p> <p><b>PO1</b>  <b>Development, including uses and works are constructed and operated to avoid:</b>          a) compromising the viability of the gas pipeline corridor; or          b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p> <p><b>AO1.1</b>  <b>Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</b></p> <p><b>AO1.2</b>  <b>The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor.</b></p> <p><b>OR</b></p> <p><b>AO1.3</b>  <b>Written confirmation of the pipeline licence holder of Petroleum Pipeline License 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.</b></p> <p><b>Editor's note- should a lesser setback distance be proposed; it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</b></p>
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Natural hazards, risk and resilience					
Ref. Number	Policy Element	Requirement	NSC response		
56	The risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards.	<p><b>Planning Scheme Reference:</b> Bushfire risk assessment</p> <p><b>Integration of state interest:</b> <i>State interest not integrated.</i></p> <p><b>Action:</b> Provide a risk assessment for bushfire: To adequately integrate the state interests in natural hazards, risk and resilience, the council must undertake a fit for purpose risk assessment to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazard areas, specifically addressing bushfire hazard. The risk assessment should be undertaken by a suitably qualified person.</p> <p><b>Reason:</b> Policy 2 of the state interest in natural hazards, risk and resilience states that 'a fit-for-purpose risk assessment is undertaken to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazard areas'. A flood risk assessment</p>	<p>As part of developing the new State Bushfire mapping council undertook a desktop peer review of high and medium risk areas shown on the new mapping to make sure that local conditions were appropriately reflected. The provisions in the planning scheme follow the state interest guidelines and model code and reflect the SPP intent.</p> <p>A bushfire risk assessment has since been prepared and provided to DSDMIP and QFES for review. <b>Council wishes to work with QFES to make changes to the mapping as per the list of map recommendations in the risk assessment.</b></p>		



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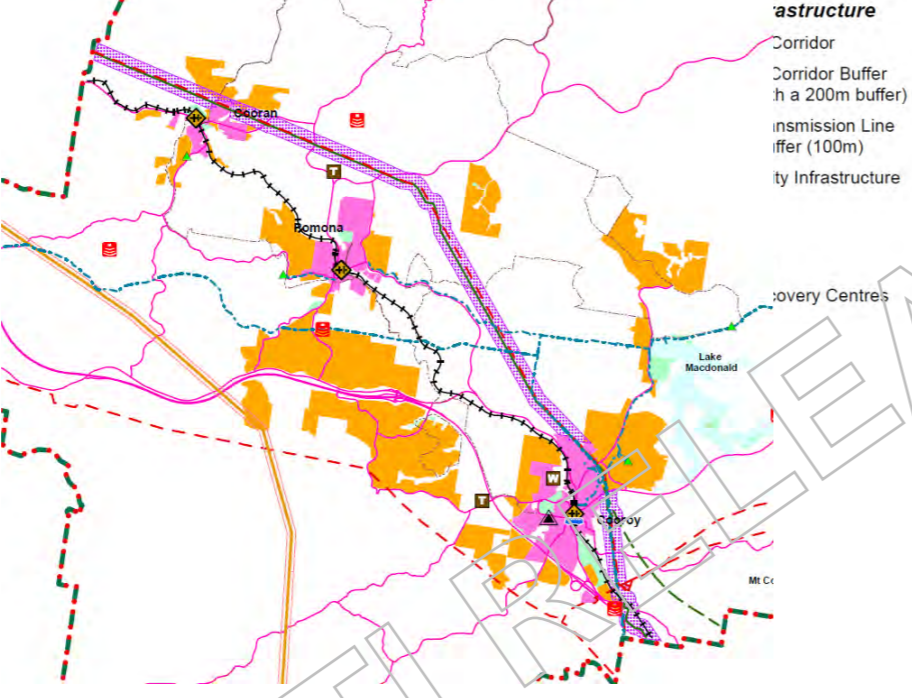
	has been provided by the council however there is no evidence of a risk assessment that considers bushfire risk being undertaken. It is noted that council were involved in the drafting of the state bushfire mapping for the Noosa Shire area, however this is only one part of the risk assessment process. A risk assessment should be used to inform the drafting of appropriate provisions in the planning scheme, which address the outcomes of the risk assessment.	
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### Planning for infrastructure

Energy and water supply			
Ref. Number	Policy Element	Requirement	NSC response
57	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Most Energex sites across the Noosa Shire have been appropriately zoned as Community Facilities. However, the Cooran Substation on Grahams Road (Lot 2 on SP216695) has previously been approved and constructed, but the proposed zoning is still Rural.</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> The zoning of Lot 2 on SP216695 should be Community facilities.</p> <p><b>Reason:</b> To better align with the previous approval (Council ref: 2008/837) and current land use, being a Substation.</p>	<p><b>Property is 20 Grahams Rd Pomona 2SP216695 and zoning has been changed to Community Facilities (with substation annotation)</b></p>
58	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> The Material Change of Use Tables under Section 5.5 relating to Major Electrical Infrastructure, Renewable Energy Facilities and Substations are generally considered appropriate.</p> <p><b>Integration of state interest:</b> <i>Given the above, the state interest has been appropriately integrated</i></p> <p><b>Action:</b> However, it is recommended that the level of assessment for a Substation be changed under Table 5.5.10 Low Impact Industry – from Impact to Code assessable and in Table 5.5.14 Rural – change the Substation use from 'Impact Inconsistent' to just Impact assessable.</p> <p><b>Reason:</b> The proposed level of assessment is considered to be more commensurate with the impacts associated with a substation and zoning expectations.</p>	<p><b>Table 5.5.14 for Rural Zone now lists substation as consistent but impact assessable.</b></p> <p><b>Table 5.5.10 for Low Impact Industry now lists substation as code assessable. However, note there are some higher amenity precincts within this zone where it is not considered appropriate.</b></p>
59	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Part 8 Overlays - There is no Regional Infrastructure Overlay. The Strategic Framework Map 3 provides broad information on major electricity infrastructure and more detailed information on how these assets are protected is scattered throughout various codes in the planning scheme. Furthermore, there is no mapping of Energex substation sites or differentiation between the 132kV and 33kV lines.</p> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Add an overlay for Regional Infrastructure that depicts each Substation site and Major Electricity Infrastructure across the Noosa Shire. It's noted that the proposed planning scheme already includes an Infrastructure Activities Code (9.3.11) which regulates setbacks to transmission lines, vegetation and structures within easements. However, the model code contained within the SPP - state interest guidance material on Energy and water supply should be a basis for the overlay code, which addresses development around electrical infrastructure in further detail. It will also provide a more succinct and direct alignment of planning provisions regarding electrical matters.</p> <p>EnergyQ offers to assist the council to further develop a code that is specific to the characteristics of Noosa, and provide current GIS data for this Overlay.</p> <p><b>Reason:</b> To better align with the SPP state interest for energy and water supply.</p>	<p><b>Council has now prepared a Regional Infrastructure Overlay that shows:</b></p> <ul style="list-style-type: none"> <li>- <b>The road hierarchy</b></li> <li>- <b>Water resources including catchment &amp; infrastructure</b></li> <li>- <b>Major energy infrastructure (including gas and electricity)</b></li> </ul> <p><b>Provisions regarding major electricity infrastructure have been incorporated according to the suggestions provided.</b></p> <p><b>Purpose statements:</b> ... <b>For major energy infrastructure:</b></p> <ol style="list-style-type: none"> <li>a) <b>...; and</b></li> <li>b) <b>ensure development is compatible with and does not adversely affect the operation of major electricity infrastructure, including the Powerlink Transmission Line.</b></li> </ol> <p><b>overall outcomes:</b> ...<b>For major energy infrastructure:</b></p> <ol style="list-style-type: none"> <li>(i) <b>Development provides for adequate separation from the Powerlink Transmission Line Corridor.</b></li> <li>(ii) <b>Development avoids compromising the operation of major electricity infrastructure including the Powerlink Transmission Line.</b></li> <li>(iii) <b>The number of people exposed to the potential adverse impacts of major electricity infrastructure is minimised.</b></li> </ol> <p><b>Performance outcomes and acceptable outcomes include:</b></p> <p><b>Major Electricity Infrastructure</b></p>

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	<p><b>ADDITIONAL COMMENTS:</b>          EnergyQ reiterated the importance of including a Regional Infrastructure Overlay Code. It's understood that 'major electricity infrastructure' has been shown on Strategic Framework Map 3. However, to properly address the Energy and water supply - State interest policy 1 (protecting existing and approved major electricity infrastructure) there needs to be a Regional Infrastructure Overlay and an associated development Code. A specific Code will mean that issues such as reverse amenity and setbacks to protect the safety of people and infrastructure, can be assessed against in regard to targeted development and not just development that is required to address the strategic framework.</p> <p>EnergyQ provided a recent example of an overlay code that reflects the SPP guideline.</p>	<p><b>PO2</b>  <i>Development does not increase risk to community health or safety, or the operation and reliability of major electricity infrastructure</i></p> <p><i>No acceptable outcome provided</i></p> <p><b>PO3</b>  <i>Development involving a sensitive land use is sufficiently separated from major electricity infrastructure and substations to minimise the likelihood of nuisance or complaint.</i></p> <p><b>AO3.1</b>  <i>With the exception of class 10 buildings, buildings associated with a sensitive land use maintain a setback of at least:</i>  <i>a) 50 metres from a transmission substation;</i>  <i>b) 10 metres from any other substation; and</i>  <i>c) 30 metres from a transmission line easement.</i></p> <p><b>AO3.2</b>  <i>With the exception of class 10 buildings, buildings are not located within an easement for a distribution line.</i></p> <p><b>PO4</b>  <i>Development is located and designed to avoid noise nuisance from infrastructure.</i></p> <p><b>AO4</b>  <i>Noise emissions do not exceed 5db(A) above background noise level at the sensitive receptor of a building associated with a sensitive land use, measured in accordance with AS1055.</i></p> <p><b>PO5</b>  <i>Wherever practicable new lots and buildings are orientated to avoid direct overlooking of electricity infrastructure.</i></p> <p><b>AO5</b>  <i>Buildings are orientated so that the majority of outdoor living areas and windows of habitable rooms face away from towers or other major electricity infrastructure.</i></p> <p><b>PO6</b>  <i>For sensitive land uses, there is sufficient space within the site to establish landscaping which substantively screens and softens poles, towers, or other structures and equipment associated with major electricity infrastructure and substations.</i></p> <p><b>AO6</b>  <i>A minimum 3 metres wide densely planted landscaped buffer is provided along the boundary adjoining the electricity infrastructure, including provision for advanced trees and shrubs that will grow to a minimum height of 10 metres.</i></p> <p><i>Editor's note- Applicants may find guidance in Powerlink Queensland's brochure "Using Vegetation to screen transmission lines". Applicants should also note that vegetation will need to maintain statutory clearances.</i></p> <p><b>PO7</b>  <i>Vegetation does not pose a risk to the safety or reliability of electricity infrastructure.</i></p> <p><b>AO7.1</b>  <i>Vegetation planted within the easement of an overhead powerline or, where there is no easement, the area of influence of a powerline, has a mature height of no more than 3.5 metres.</i></p> <p><b>AO7.2</b>  <i>Vegetation planted within an underground powerline easement does not have a mature root system in excess of 150 millimetres in depth and is not located directly over the powerline.</i></p> <p><b>AO7.3</b>  <i>Regardless of the width of the easement, vegetation adjoining easements must be separated from the power pole or other infrastructure by a distance at least equal to the maximum mature height of the vegetation.</i></p> <p><b>PO8</b>  <i>Any earthworks are undertaken in a way which:</i>  <i>ensures stability of the land on or adjoining the electricity infrastructure;</i>  <i>does not otherwise impact on the safety and reliability of the electricity infrastructure; and</i>  <i>does not restrict the placement or use of the electricity infrastructure provider's equipment.</i></p> <p><b>AO8.1</b>  <i>For overhead distribution infrastructure, no earthworks are undertaken within 10 metres of a tower, pole or stay.</i></p>
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			<p><b>A08.2</b> For overhead transmission infrastructure, no earthworks are undertaken within 20 metres of a tower, pole or stay.</p> <p><b>PO9</b> Services and infrastructure works (such as stormwater, sewerage, water and the like) do not impact on the safety and reliability of substations or major electricity infrastructure.</p> <p><b>A09.1</b> Underground services are not located within 20 metres of a tower, pole, stay or substation boundary.</p> <p><b>A09.2</b> No valve pits occur within: a) for transmission infrastructure, 60 metres of a tower, pole or stay; or b) for distribution infrastructure, 20 metres of a tower, pole or stay.</p> <p><b>A09.3</b> Underground services traversing an easement cross at right angles to the overhead or underground lines.</p>
60	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Section 8.2.9 Water Resources and Gas Pipeline Overlay Code, specifically Table 8.2.9.4, AO1.1 refers to a 40m buffer for any structures, which is likely to conflict with the Energex line and easements from Cooran to Cooroy (see SFM3 below which shows the pipeline buffer overlapping the major electricity infrastructure line).</p>  <p><b>Integration of state interest:</b> State interest partially integrated</p> <p><b>Action:</b> It's recommended that the provisions proposed for the gas pipeline corridor and buffer area be amended – see comment 55 under 'Emissions and hazardous activities'.</p> <p><b>Reason:</b> To protect Energex assets and ongoing development activities within Energex easements.</p> <p><b>ADDITIONAL COMMENTS:</b> In regards to the gas pipeline buffer vs the electricity easement, EnergyQ requested adding some words into the AOs: <b>Action:</b> We recommend that AO1.1 be reworded so that Energex buildings and structures are permitted within the Gas pipeline corridor and buffer area, where appropriately designed.</p> <p>This doesn't conflict with the DNRME requirements to protect the gas pipeline corridor:</p>	<p>Table 8.2.9.4 amended to include following Performance Outcome and Acceptable Outcome:</p> <p><b>Gas pipeline corridor and buffer area</b> <b>PO1</b> Development, including uses and works are constructed and operated to avoid: compromising the viability of the gas pipeline corridor; or damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p> <p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. <b>OR</b></p> <p><b>AO1.3</b> Written confirmation of the pipeline license holder of Petroleum Pipeline License 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p><i>Editor's note- should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</i></p>

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		<p><b>Action:</b> The focus of the Code needs to be changed to focus on protecting the approved pipeline corridor rather than the pipeline. Below are recommended provisions.</p> <ul style="list-style-type: none"> <li>Section 8.2.9.2(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code  <i>(b) For the gas pipeline corridor and buffer area:</i> <ul style="list-style-type: none"> <li><i>(i) Development provides for adequate separation from the gas pipeline corridor.</i></li> <li><i>(ii) Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</i></li> <li><i>(iii) Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</i></li> <li><i>(iv) The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</i></li> </ul> </li> <li>Table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <table border="1" data-bbox="528 674 1394 1192"> <tr> <td data-bbox="528 674 774 1192"> <p><b>PO1</b> Development, including uses and works are constructed and operated to avoid:-                      (a) compromising the viability of the gas pipeline corridor; or                      (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p> </td> <td data-bbox="774 674 1394 1192"> <p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR</p> <p><b>AO1.3</b> Written confirmation of the pipeline licence holder of <i>Petroleum Pipeline Licence 32</i> that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</p> </td> </tr> </table> <p><b>EnergyQ previously requested that the council reword AO1.1 so that Energex buildings and structures are permitted within the Gas pipeline corridor and buffer area, where appropriately designed.</b></p> <p><b>The preference is that the DNRME suggested changes to the code (item 55) should be used, as opposed to the EnergyQ suggestion, given that EnergyQ can simply request written confirmation as per AO1.3 – this is the best way to ensure that the development doesn't impact on the future use, and doesn't stop EnergyQ from being able to locate structures within the buffer if appropriately designed.</b></p>	<p><b>PO1</b> Development, including uses and works are constructed and operated to avoid:-                      (a) compromising the viability of the gas pipeline corridor; or                      (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p>	<p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR</p> <p><b>AO1.3</b> Written confirmation of the pipeline licence holder of <i>Petroleum Pipeline Licence 32</i> that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</p>	
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NEW COMMENTS FROM SEQWATER					
e	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Strategic Framework 3.2.8 Co-ordinated and efficient Infrastructure</p> <p><b>Action:</b> Please amend reference to Seq Water with Seqwater.</p> <p><b>Reason:</b> Please note correct name for Seqwater which commenced in 2013.</p>	Done		

<p>f</p>	<p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>	<p><b>Planning Scheme Reference: Table 8.2.9.3 Criteria for assessable development- Water Resources</b></p> <p><b>Action:</b> Please insert additional POs in table 8.2.9.3</p> <table border="1"> <tr> <td data-bbox="528 310 943 598"> <p><b>Development is set back from bulk water supply infrastructure to:</b>  <b>(a) avoid safety risks to people and property</b>  <b>(b) minimise noise and visual impacts to people and property</b>  <b>(c) ensure the physical integrity and operation, maintenance and expansion of the infrastructure is not compromised.</b></p> </td> <td data-bbox="943 310 1365 598"> <p><b>Development is setback in accordance with Table X 'Recommended separation distances from bulk water supply infrastructure'.</b></p> </td> </tr> <tr> <td data-bbox="528 598 943 724"> <p><b>Vegetation planted near pipelines does not pose any risk to the physical integrity and operation of the bulkwater pipelines.</b></p> </td> <td data-bbox="943 598 1365 724"> <p><b>Planting near pipelines complies with the current Seqwater Network Consent Guidelines.</b></p> </td> </tr> <tr> <td data-bbox="528 724 943 1012"> <p>Development is located and designed to maintain required access to Bulk water supply infrastructure.</p> </td> <td data-bbox="943 724 1365 1012"> <p><b>Development does not restrict access to Bulk water supply infrastructure of any type or size, having regard to:</b></p> <p>a. buildings or structures; 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20 metres</td> <td>500 metres from the toe of the dam/weir</td> </tr> <tr> <td></td> <td>Blasting (2,3)</td> <td>500 metres from dam wall/earth embankment/weir footprint</td> </tr> </tbody> </table> <p><small>1 Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.  2 Refers to any type of development involving blasting &lt;500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.  3 It is recommended that blasting provisions be included in an extractive industry code (or similar).  4 For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.  5 Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).</small></p> <p><b>PO7</b>  <i>Vegetation planted near pipelines does not pose any risk to the physical integrity and operation of the bulkwater pipelines.</i></p> <p><b>A07</b>  <i>Planting near pipelines complies with the current Seqwater Network Consent Guidelines.</i></p> <p><b>PO8</b>  <i>Development is located and designed to maintain required access to Bulk water supply infrastructure.</i></p> <p><b>A08</b>  <i>Development does not restrict access to Bulk water supply infrastructure of any type or size, having regard to:</i></p> <ol style="list-style-type: none"> <li><i>buildings or structures;</i></li> <li><i>gates and fences;</i></li> <li><i>storage of equipment or materials;</i></li> <li><i>landscaping or earthworks or stormwater or other infrastructure.</i></li> </ol>	Bulk water supply infrastructure - asset type	Type of development	Recommended separation distance minimum	Pipelines and channels (1)	Buildings/Structures/Earthworks	20 metres from edge of pipe	Blasting(2,3)	200 metres from edge of pipe	Water treatment plants and water quality facilities	Sensitive Land Use	250 metres from building footprint	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Reservoir facilities	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Pump stations	Sensitive Land Use	100 metres from building footprint	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Dam structures and weirs (4)	Earthworks Dam/Weir Height(5) 0-5 metres	50 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 5-10 metres	100 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 10-15 metres	150 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 15-20 metres	200 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) > 20 metres	500 metres from the toe of the dam/weir		Blasting (2,3)	500 metres from dam wall/earth embankment/weir footprint
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<p>1 Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.</p> <p>2 Refers to any type of development involving blasting &lt;500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.</p> <p>3 It is recommended that blasting provisions be included in an extractive industry code (or similar).</p> <p>4 For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.</p> <p>5 Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).</p> <p><b>Reason:</b> The SPP requires that bulk water supply infrastructure be protected from development that would compromise the corridor integrity, and the safe, efficient delivery and functioning of the identified infrastructure. The indicated buffer distances are recommended as suitable triggers to identify when development should be assessed regarding its potential impact on bulk water supply infrastructure. This amendment provides clarity within the overlay code. By inserting these requirements in the overlay code, will reduce the need for duplication which would be created by inserting requirements into multiple zones.</p>			

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<p>g</p> <p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>		<p><b>Planning Scheme Reference:</b> Zone Map ZM3</p> <p><b>Action:</b> Please extend the Community Facilities Zone at the Noosa Water Treatment Plant so that it aligns with the current WTP upgrade. The proposed scheme splits Lot 1 RP800331 into two zones. Please retain the entirety of this lot as Community Facilities.</p> <p><b>Reason:</b> The WTP is currently being upgraded. The proposed zoning in Zone Map ZM3 only partially covers the site area of the WTP. The extension of the Community Facilities zone to include all of Lot 1 RP800331 will cover the site area of the upgrade works. Please note, Lot 1 RP800331 is currently zoned Community Services in the Noosa Plan 2006.</p>	<p>OK. Lot 1 on RP800331 is currently entirely zoned Community Services. It will be zoned Community Facilities in its entirety.</p>
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State transport infrastructure			
Ref. Number	Policy Element	Requirement	NSC response
61	The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.	<p><b>Planning Scheme Reference:</b> Strategic Framework Map – Infrastructure &amp; SC2.3 – Zone Maps</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed, in particular policy 5 - A road hierarchy is identified that reflects the role of each category of road and effectively manages all types of traffic.</i></p> <p><b>Action:</b> Provide map/s that show the road hierarchy which as identified in Schedule 1 – administrative definitions and include in the planning scheme.</p> <p>The road hierarchy should ensure that the function of state-controlled roads are appropriately reflected, to ensure that vehicular access for development is consistent with the function and design of state-controlled roads and development directs local traffic to the local road network.</p> <p>Preferably, road hierarchy mapping would identify which roads are arterial, distributor and collector roads to assist in interpretation of a number of codes, like the transport code.</p> <p><b>Reason:</b> To ensure that the safety and efficiency of the state-controlled road network is maintained.</p>	<p><b>Road hierarchy is now shown on the Regional Infrastructure Overlay Map.</b></p>
62	The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.	<p><b>Planning Scheme Reference:</b> Part 7 Local Plans</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</i></p> <p><b>Action:</b> Provide high resolution Framework &amp; Character Plans for review. In order to provide sufficient information to guide development outcomes, <b>the Framework &amp; Character Plans must clearly identify existing and future public passenger transport infrastructure. Cycle routes identified on the SEQ Principal Cycle Network Plan (particularly Priority Routes) are to be incorporated</b> and ensure that the active transport strategic network is appropriately reflected. Provision of public passenger transport and active transport should also be supported by text in the Local Plans.</p>	<p><b>Framework &amp; Character Plans</b> only deal with the bigger town centres not the whole towns. They don't address inter-centre connections.</p> <p><b>We've added principal cycle network paths including priority routes as per the State's mapping and shown arrows at the edges where these connect to other areas. A disclaimer reads "routes shown are indicative only and exist to guide future investigation and planning and are not currently resourced".</b></p> <p><b>The new Regional Infrastructure Overlay map now includes all the Principal Cycle Network</b> (including the Priority Routes) despite not all of them being included in the LGIP mapping and may not be funded/constructed in the life of the scheme.</p> <p><b>Strategic Framework Point (g) of the Strategic Outcomes on transport and Movement now reads as follows:</b></p>

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		<p><b>Reason:</b> To support public passenger transport and active transport as an attractive alternative to private transport, the infrastructure and network should be logically planned, well connected and clearly identified within the planning scheme.</p> <p>ADDITIONAL COMMENT:</p> <p><u>Active Transport</u> In order to provide sufficient information to guide development outcomes and promote active transport as an attractive alternative to private transport the Framework &amp; Character Plans should be amended or an overall active transport strategic network plan developed. Planning is needed to ensure the delivery of a connected and cohesive cycle network across the shire. The existing and future primary cycle routes that have logical connections to key destinations within and between centres should be included and the Priority Routes as shown on the SEQ Principal Cycle Network Plan should be incorporated.</p> <p><u>7.2.4 Noosaville Local Plan Code – Figure 7.2.4.5 Noosa Business Centre – Transit Centre</u></p> <p>TMR does not support the identification of a Proposed Bus Interchange on this Framework and Character Plan. Identification of a Proposed Bus Interchange in this location may unduly raise expectation of State delivering transport infrastructure being delivered that is not planned or funded. DTMR is unaware of any associated studies or planning supporting a new bus interchange in this location. It is noted that draft PFTI in the draft LGIP do not nominate a new bus stop at this location.</p> <p>Whilst a 'Transit Bus Station' is nominated in this general location in the Strategic Framework mapping it is unclear if it relates to this proposed Bus Interchange or the existing Bus Station at the 'Noosa Civic' Centre.</p> <p>The inclusion of a proposed bus interchange in Strategic Mapping is supportable with the inclusion of an Editor's Note stating the following or similar, 'Editor's note: this Proposed Bus Interchange is not planned or funded State transport infrastructure'. The inclusion of a proposed bus interchange in the Part 7 - Framework &amp; Character Plans is generally not supported.</p> <p>As a result of meeting, the following actions arose:</p> <ol style="list-style-type: none"> <li>1. Council to include editor's note saying the interchange isn't planned or funded by the State government (or similar eg ...is subject to further planning with the State government...) and is subject to further planning studies.</li> <li>2. Council to include additional wording in codes to identify that interchange and its location is subject to further planning.</li> <li>3. State to review final wording prior to final endorsement.</li> </ol> <p>Further, TMR will discuss internally with TransLink (Network Planning and Infrastructure teams) with a view for a future discussion about the planning of the interchange with council's planning team and infrastructure team. (Lud (Oddbjorn Ludvigsen) is contact for Noosa Council.)</p>	<p><b><i>New development incorporates or supports active public transport infrastructure that connects with existing networks. Development takes into account the future planning of the State's Principal Cycle Network.</i></b></p> <p><b>Noosa Business Centre Transit hub</b> Since the gazettal of the current 2006 planning scheme a Public Transport Node has been shown on the Noosa Business Centre site (Schedule 5 Map 1 Transport) and the Transit function has specifically been shown close to the Walter Hay Drive roundabout on the Shire Business Centre Precinct Plan (schedule 4). This is further qualified by the provisions in the current Noosa Plan for the Shire Business centre since 2006. It is the highest-order centre for the Shire, a Major Regional Activity Centre under the SEQ Regional Plan and considered vital to the successful functioning of public transport. It will necessarily be bigger than the existing bus stop at Noosa Civic. If we are to secure a land dedication from the land owner it remains important to show it.</p> <p>Council would like to stress that the exact location of the transit hub is not final and that development of the Noosa Business Centre will be subject to further master planning, of which TRM will be part.</p> <p><b>Wording has been added to the Noosaville Local Plan code to qualify:</b></p> <ul style="list-style-type: none"> <li>- Development at the Noosa Business Centre occurs in a staged manner following the construction of the internal circulation road system, creation of an open aired activated village green space for significant community gatherings and the provision of land for a sub-regional transit centre that has the potential to function as an integrated public transport node, with pedestrian and bicycle paths linking with nearby urban areas. The further development of transit facility will be subject to further investigation and planning with the State Government;</li> <li>- The Framework and character Plan for Noosa Business Centre also has a disclaimer stating that the "Potential transit facility – indicative only and subject to further investigation and resourcing."</li> </ul>
63	<p>The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.</p>	<p><b>Planning Scheme Reference:</b> Strategic Framework Map 3 Infrastructure, Part 6 Zone Codes &amp; Part 9 Development codes</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</i></p> <p><b>Action:</b> <u>Advise where in the scheme the existing and future planned active transport routes are shown? It is noted that the local area plan figures do identify active transport routes for specific defined areas.</u></p> <p><b>Reason:</b> <u>The active transport network should appropriately reflect the SEQ Principal Cycle Network Plan and the active transport functional hierarchy should be detailed and logically planned with sufficient information provided to guide development outcomes.</u></p> <p>The planning scheme has a focus on strong pedestrian and cycle provisions with several performance outcomes requiring development to connect to existing and provide for future active transport routes, however, <u>the proposed active transport network is unclear.</u></p> <p>To support active transport as an attractive alternative to private transport the active transport network should be logically planned, well connected and clearly identified within the planning scheme.</p>	<p>As discussed above <b>the new Regional Infrastructure Overlay includes all the Principal Cycle Network (including the Priority Routes)</b> despite not all of them are included in the LGIP mapping and may not be funded/constructed in the life of the scheme.</p> <p>Obviously there are a great many other pathways and on-road cycle lanes that form part of the active transport network.</p>



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		<p><b>ADDITIONAL COMMENTS:</b> DTMR appreciates the challenges Council faces in the form of a low density dispersed settlement pattern, the planning scheme has an aspirational target to reduce car usage and encourage walking and cycling. Planning is needed to ensure an active transport network develops that is logical and well-connected in order for active transport to be an attractive alternative to private transport.</p> <p>The existing and future active transport network, in particular the primary routes, should be reflected in the planning scheme to guide development. The active transport network should incorporate the cycle network identified in the SEQ Principal Cycle Network Plan, particularly the Priority Routes.</p> <p>At the meeting, the following action arose:</p> <p>Council suggested this could be shown on the new regional infrastructure overlay, and DTMR and DSDMIP agreed this option could work. This will be reviewed in a revised version of the planning scheme.</p>	
64	<p>The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.</p>	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment &amp; Schedule 6 Planning Scheme Policies</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i>, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</p> <p><b>Action:</b> <u>Amend the assessment codes and planning scheme policy, to ensure that public passenger transport (PPT) taxi infrastructure/facilities are appropriately designed and located to service land uses that generate demand.</u></p> <p><b>Incorporate into the planning scheme provisions (or relevant section) requirements for PPT taxi infrastructure/facilities.</b></p> <p>The following list provides an indication of common land uses where taxi services are often provided and where demand is generated:</p> <ul style="list-style-type: none"> <li>• Public transport facilities including rail stations, bus stations, busway stations, airports and ferry terminals</li> <li>• Major shopping centres (over 10,000m2)</li> <li>• Major sport, recreation and entertainment precincts</li> <li>• Medical facilities such as hospitals and medical centres</li> <li>• Bus park 'n' ride facilities</li> <li>• Commercial precincts</li> <li>• Food and drink precincts</li> <li>• Accommodation facilities (for example, motel)</li> <li>• Residential care facility (for example, nursing home)</li> <li>• Clubs, casinos</li> <li>• Tourist attractions</li> <li>• Hotels</li> <li>• Function facilities</li> <li>• Mixed use developments</li> <li>• Theatres</li> <li>• Local shops</li> </ul> <p>The following list provides an indication of common information needed when determining capacity of any infrastructure:</p> <ul style="list-style-type: none"> <li>• catchment demographics including:             <ul style="list-style-type: none"> <li>▪ persons per household</li> <li>▪ age profile of catchment</li> <li>▪ household income</li> <li>▪ private vehicle ownership</li> </ul> </li> <li>• development type and operational hours</li> <li>• density and types of surrounding development</li> <li>• availability of car parking in the area</li> <li>• availability and frequency of other public passenger transport options</li> <li>• competing modes</li> <li>• number of taxi licences in each service area.</li> </ul>	<p>With the exception of the Noosa Business Centre there is not expected to be new activity centres or substantial growth to existing centres and the use of Taxis would seem to declining with the uptake of Uber. There are already taxi facilities in our centres as follows:</p> <ul style="list-style-type: none"> <li>• Next to Noosa Fair Carpark, Lanyana Way Noosa Heads (Privately Owned).</li> <li>• Outside Noosa Junction Plaza, Sunshine Beach Rd Noosa Heads (Signs only, no shelter)</li> <li>• Outside Dan Murphys entrance, Mary St Noosaville (Bench seat only, no shelter)</li> <li>• Outside Royal Mail, Poinciana Ave, Tewantin</li> <li>• Noosa Drive near Hastings Street, Noosa Heads</li> </ul> <p>The Framework and Character plans have been amended to include location of existing taxi ranks as stated above as did not receive official taxi rank locations from DMR.</p> <p>We have amended PO11 and AO11.1 of the Transport Code to reference taxis, and shared and private vehicles as part of the range of travel modes and have added a new Acceptable outcome as follows:</p> <p><b>AO11.5</b> <b>Taxi or shared vehicle infrastructure is provided parallel to the kerb, conveniently located to minimise passenger walking and designed in accordance with:</b></p> <ol style="list-style-type: none"> <li>a) AS2890.5–1993 Parking facilities – on-street parking and AS1428.1–2009 Design for access and mobility – general requirements for access – new building work;</li> <li>b) AS1742.11–1999 Parking controls – manual of uniform traffic control devices;</li> <li>c) AS/NZS 2890.6–2009 Parking facilities – off-street parking for people with disabilities;</li> <li>d) Disability standards for accessible public transport 2002 made under section 31(1) of the Disability Discrimination Act 1992; and</li> <li>e) AS/NZS 1158.3.1 – Lighting for roads and public spaces, Part 3.1: Pedestrian area (category P) lighting – Performance and design requirements.</li> </ol>

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	<p>When determining location of any infrastructure, it is intended that taxi infrastructure be located to conveniently service such needs (that is, minimise passenger walking distances and assist with passenger convenience and safety).</p> <p>Incorporate into the planning scheme policy (or relevant section):</p> <p>Infrastructure design requirements:</p> <ul style="list-style-type: none"> <li>• A taxi facility infrastructure is provided parallel to the kerb and adjacent to the main entrance.</li> <li>• Taxi facilities are designed in accordance with:             <ul style="list-style-type: none"> <li>○ AS2890.5–1993 Parking facilities – on-street parking and AS1428.1–2009 Design for access and mobility – general requirements for access – new building work</li> <li>○ AS1742.11–1999 Parking controls – manual of uniform traffic control devices</li> <li>○ AS/NZS 2890.6–2009 Parking facilities – off-street parking for people with disabilities</li> <li>○ Disability standards for accessible public transport 2002 made under section 31(1) of the <i>Disability Discrimination Act 1992</i></li> <li>○ AS/NZS 1158.3.1 – Lighting for roads and public spaces, Part 3.1: Pedestrian area (category P) lighting – Performance and design requirements.</li> </ul> </li> </ul> <p><b>Reason:</b> To achieve a high level of integration with transport infrastructure and to support public passenger transport and active transport as attractive alternatives to private transport, taxi provision should be appropriately addressed by development that generates demand for a taxi facility.</p> <p><b>ADDITIONAL COMMENTS:</b> The scheme could be amended so that only specific uses likely to create taxi demand are required to determine if taxi infrastructure / facilities are required (this can include taxi ranks or taxi bays). Please refer to the initial DTMR comments for common land uses where taxi services are often provided and where demand for taxis is generated. These land uses could trigger the requirement to undertake an assessment to determine the need for a taxi facility. The Department of Transport and Main Roads' <i>Public Transport Infrastructure Manual 2015</i> Chapter 7 provides guidance on what an assessment should address.</p> <p>Taxi facilities should be designed and located in such a way as to minimise passenger walking distances and assist with passenger convenience and safety. General acceptable standard practice for a taxi rank location is a maximum of 400m walking distance to a major venue entrance and exit, this equates to approximately a five-minute walking journey. To maximise passenger convenience, if demand for taxi facilities is warranted, the facilities should be provided within the development or within a 400m walking distance.</p>	
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### Part B—Legislative requirements

Legislative requirements are matters contained within legislation that directly require a planning scheme to respond in a certain way (i.e. a note, an exclusion, an exemption etc).

State Interest: <i>Planning Act 2016</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
1	6.3.1 Low density Residential zone code 9.3.1 Low density housing code	<p><b>Action:</b> Review the following provisions: 5.5.1 Low Density Residential 6.3 Residential zone categories, 6.3.1 Low density Residential zone code - PO5 – secondary dwelling requirements. 9.3 Use codes, 9.3.1 Low density housing code, housing choice PO3 &amp; AO3 (secondary dwellings)</p> <p><b>Reason:</b> The <i>Planning Regulation 2016</i> defines a “dwelling house” as including a secondary dwelling and defines a <i>secondary dwelling</i> as being used in conjunction with and subordinate to a dwelling house. It is therefore unclear if s 6.3.1 Low Density Residential (Zone) code PO5 and its acceptable outcomes which aim to control the size and location of secondary dwellings are in accordance with the <i>Planning Regulation 2017</i>.</p>	<p><b>Council has considered this and decided to maintain the current arrangement where duplexes are not permitted in the detached housing neighbourhoods. As such any references to a dual occupancy being consistent in the Low Density Residential Zone has been deleted.</b></p>

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		<p><b>Further Action required –</b></p> <p><b>Action:</b> Remove the provisions which prevents a dual occupancy from being placed into a community title scheme: Table 5.5.1 – Low density residential – Dual occupancy, 6.3.1 Low density residential zone code (AO5.2, AO5.3), 9.3.1 Low density housing code (overall outcome (h), AO3, PO4 *Note: this may flow on to other areas of the planning scheme*</p> <p><b>Reason:</b> The Planning Regulation 2017 defines a dual occupancy – (a) means a residential use of premises for <u>2 households involving –</u> (i) <u>2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property;</u> (ii) <u>any domestic outbuilding associated with the dwellings; and</u> (b) <u>does not include a residential use of premises that involve a secondary dwelling.</u></p> <p>The Planning Regulation 2017 defines reconfiguring a lot – (d) <u>dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—</u> (ii) <u>an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997.</u></p> <p>As the planning scheme cannot regulate a community title scheme, as it does not require a development permit, the scheme cannot prevent a dual occupancy development from being separately titled through a community title scheme under the <i>Body Corporate and Community Management Act 1997</i>. Furthermore, a material change of use cannot restrict a reconfiguring a lot development as they are two separate development types.</p> <p><b>Action:</b> Review the provisions in, and consider re-drafting, 6.3 Residential zone categories, 6.3.1 Low density Residential zone code - PO5 – dual occupancy requirements</p> <p><b>Reason:</b> The term 'small dwellings' is defined in the administrative definitions as having a gross floor area of no more than 90m<sup>2</sup>. However, AO5.4 states a dual occupancy only occurs where one dwelling is no more than 85m<sup>2</sup> (the small dwelling). Small dwellings are referenced for other types of development throughout the scheme and using this term for multiple meanings and provisions causes conflict and confusion.</p> <p><b>Action:</b> Review the provisions in, and consider re-drafting, 1 Low density housing code AO3, PO4.</p> <p><b>Reason:</b> PO4 contradicts the definition of dual occupancy and the provision seems to be mixing secondary dwelling and dual occupancy together. The provision needs to be clear which type of development it is regulating. Is it a dual occupancy or dwelling house with secondary dwelling? The use definitions would prevent you from having a dwelling house with a secondary dwelling (one household) already on site and then trying to develop a dual occupancy (two new households) on top of that, it would move into the multiple dwelling use definition.</p>	
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		Furthermore, AO4 is confusing and re-drafting should be considered. As it currently reads it is not clear on the intent of this AO4.	
2	6.3.3 High Density Residential Zone Code Table 6.3.3.3 Criteria for assessment (part) Performance outcome PO19 Social Housing	<p><b>Action:</b> Amend PO19 to ensure the code does not make development for public housing (as defined in the Planning Regulation 2017) assessable development; see Schedule 6 of the <i>Planning Regulation 2017</i>.</p> <p><b>Reason:</b> Consistency with <i>Planning Regulation 2017</i>. NOTE – the provision of affordable housing is supported – DSDMIP will work with the council further on this, with the assistance of the Department Housing and Public Works.</p> <p><b>ADDITIONAL COMMENTS:-</b></p> <p>DHPW is supportive of NSC's proposals to address affordable housing, however it has advised that "public housing" should not be bound in the provisions of the planning scheme as it is not assessable development and, as it has specific requirements, it may not be able to be easily delivered through conditions of development. Therefore, references to public housing should be deleted.</p> <p>It may however be appropriate to reference affordable housing as well as other social housing (excluding public housing). Further discussion on this matter is envisioned with NSC once advice is received from DSDMIP.</p> <p>DSDMIP agrees with DHPW, that the planning scheme can not make particular development for public housing assessable development, as per section 30 of Schedule 6 of the Planning Regulation 2017. However DSDMIP also agrees with DHPW, that there could be opportunity to regulate other types of social/affordable housing (excluding public housing). As such, some amendment is required to PO19 to ensure that public housing is not regulated here.</p> <p>In terms of PO19 generally, and the requirement to provide a contribution towards the social housing needs of the Noosa community, this is not something that the planning framework specifically regulates (mandates or restricts), therefore council could regulate it. However, DSDMIP notes that it could be challenged by an applicant through appeal if the applicant considered a condition for the contribution to not be relevant or reasonable – this is a risk, and the council should seek its own professional/legal advice to inform its decision to include these provisions in the planning scheme.</p> <p>At this point, DSDMIP is not averse to the council going to public consultation with this provision in the planning scheme..</p>	<p><b>Noted. Wording to remain at this stage.</b></p> <p>Council is particularly concerned about the noticeable mismatch between the existing social housing stock, which includes a high proportion of detached houses in Tewantin and Cooroy. The Housing Needs Assessment Council commissioned in 2017 showed that (in 2015) of the 383 public housing rental dwellings:</p> <ul style="list-style-type: none"> <li>- 131 dwellings had one bedroom (34%),</li> <li>- 71 dwellings had two bedrooms (19%),</li> <li>- 143 dwellings had three bedrooms (37%),</li> <li>- 33 dwellings had four bedrooms (9%) and</li> <li>- 5 dwellings had five bedrooms (1%).</li> </ul> <p>In comparison:</p> <ul style="list-style-type: none"> <li>- 196 households in public housing dwellings were lone person households (51%),</li> <li>- 100 households had 2 occupants (26%), and</li> <li>- 42 households had 3 occupants (11%).</li> </ul> <p>The social housing waiting list is dominated by sole person households, who are not likely to qualify for a dwelling of three or more bedrooms.</p> <p>For this reason it is important that additional social housing be created in higher density areas, close to activity centres and transport where one and two bedroom units can be established and social housing mixed amongst other similar attached housing. Some level of regulatory intervention and incentive is necessary to make this occur.</p>
State Interest: Regulated requirements in the Planning Regulation 2017			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
3	Schedule 1 – Use and administrative definitions	<p><b>Action:</b> Remove Minor Electricity Infrastructure from the Use terms. If Minor Electricity Infrastructure is defined as an administrative definition, use the definition from Schedule 4 of the Planning Regulation 2017. If a different administrative term is used, ensure this is done in accordance with section 8 of the Planning Regulation 2017.</p>	It's not used in the scheme so <b>has been deleted from the definitions.</b>


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		<p>Define 'Essential network infrastructure' in the administrative definitions, ensuring compliance with section 8 of the Planning Regulation 2017.</p> <p><b>Reason:</b> There is no administrative definition for Minor Electricity Infrastructure or Essential Network Infrastructure.</p> <p>Minor Electricity Infrastructure is defined as a use term. However, section 7 of the Planning Regulation 2017 states that a local government may adopt only the use terms stated in Schedule 3, column 1. Minor Electricity Infrastructure is not listed in Schedule 3 as a use term.</p> <p>To clearly define electricity infrastructure and for consistency with the regulated requirements.</p>	
State Interest: <i>ShapingSEQ</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
4	Strategic Framework and all relevant sections	<p><b>Action:</b> Provide evidence the council has considered how growth will be dispersed appropriately and sustainably across its existing townships in order to meet <i>ShapingSEQ</i> projections. This includes providing evidence of the work undertaken by the council with Unitywater (including modelling and methodology) to demonstrate the ability to accommodate all future urban growth within the Urban Footprint. Note: Years of supply should be measured in accordance with <i>ShapingSEQ</i>, Chapter 5, p.173, 'Measuring supply and triggering action to increase supply'.</p> <p>The planning scheme has also identified additional 'urban areas' at Kin Kin and Coorobah (see Strategic Framework Map 1). Provide justification for these additional urban areas in accordance with p. 152 of <i>ShapingSEQ</i>.</p> <p><b>Reason:</b> While there is noted capacity within the Urban Footprint in certain locations, such as Cooroy and Pomona, the council has not provided evidence it has considered how growth will be dispersed appropriately and sustainably across its existing townships in order to meet <i>ShapingSEQ</i> projections. It is acknowledged that, given the extent of decentralised settlement across the Noosa Shire, a tailored approach to accommodating growth may be required in contrast to other councils in SEQ. This may include analysing different growth model scenarios and reviewing the distribution of growth in relation to infrastructure to strategically determine where future urban areas may be required.</p> <p><b>ADDITIONAL COMMENTS:</b> <b>Growth management</b> <i>ShapingSEQ</i> identifies an additional 6,400 dwellings will be required in Noosa Shire to 2041. At this stage, the department has no significant concerns with the capacity for additional dwelling growth to 2041 provided by council. However, the following advice is to be provided to council for ongoing consideration.</p> <p>The dwelling capacities provided by council for dwelling growth to 2041 relate to all dwellings (resident and non-resident). Council should note the department's analysis of the planning assumptions which support the new Noosa Plan is based on resident dwellings only, as the <i>ShapingSEQ</i> dwelling supply benchmarks are for resident dwellings, i.e. dwellings required to accommodate the projected resident population (as opposed to visitor accommodation).</p>	<p>The DMATT model established its baseline of development at 2016 and makes 5 yearly growth projection forecasts up to 2041 and ultimate. Specifically growth has been projected for land within the urban boundaries which coincides with the LGIP projection areas and priority infrastructure areas. The model demonstrates growth to be dispersed across the coastal urban area and hinterland townships and meets the SEQRP dwelling projections for 2041 with further ultimate capacity beyond that timeframe.</p> <p>Growth in dwellings is both within the urban footprint and also within the rural settlement and rural areas with the take up of vacant lots and secondary dwellings.</p> <p>Specially, the DMATT model showed there is the following capacity for additional dwelling growth to 2041 for each of the Priority Infrastructure Areas ( including hinterland towns) (within the urban footprint) and outside the urban footprint and PIA areas:</p> <p>Coastal urban Area (Tewantin, Noosaville, Noosa Heads, Sunshine Beach, Sunrise Beach, Marcus Beach, Castaways Beach and Peregian Beach): 4916 dwellings Cooroy: 1027 dwellings Boreen Point: 54 dwellings Cooran: 35 dwellings Pomona: 199 dwellings Kin Kin: 9 dwellings Coorobah: 2 dwellings Outside PIA: 438 dwellings</p> <p>The distribution of this growth is based on the ability to service the areas with infrastructure as identified in the LGIP.</p> <p>In relation to Kin Kin and Coorobah, these are very long established small settlements of urban density residential development with, in Kin Kin's case, some other town services. When the first Regional Plan was released as a draft around 2004 Council questioned why for example Boreen Point was given an urban footprint but Kin Kin was not and was just included as a "Rural Village". At any rate both have been shown as urban on the Strategy Map of the current Noosa Plan since 2006. The villages exist and are not going to be ignored. The urban footprint was not extended beyond the current scheme's town and village boundaries so no additional urban areas have been identified in the new planning scheme (see below).</p>

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		<p>The department's analysis indicates that relative to the ShapingSEQ dwelling supply benchmarks for additional dwellings to 2041, the dwellings projected by the DMATT growth forecasts: fall approx. 400 dwellings short of the Consolidation benchmark; slightly exceeds the Expansion benchmark.</p> <p>While the projected Consolidation growth to 2041 falls below the ShapingSEQ benchmark, the DMATT growth forecasts indicate substantial additional capacity beyond 2041. The department acknowledges that part of this additional capacity may be able to be taken up by 2041 to address the relatively small shortfall for Consolidation growth.</p> <p>It is noted that the assumptions underpinning the dwelling supply estimates of the DMATT growth forecasts may change over time, e.g. as a result of implementing the recommendations of best practice research undertaken by the Growth Monitoring Program (GMP). Also, it is currently considered that secondary dwellings should not be counted separately from the primary dwelling as part of the dwelling supply, but it is unclear the extent to which secondary dwellings contribute to council's reported dwelling growth and capacity.</p> <p>The department does not have concerns regarding the new draft scheme's ability to accommodate the projected growth at this stage. However, any changes to the assumptions and resulting dwelling supply estimates may require future planning scheme amendments to accommodate ShapingSEQ dwelling supply benchmarks in the future. Council should note this is a matter for ongoing review based on the GMP's annual Land Supply and Development Monitoring reports.</p> <p><b>Additional urban areas – Kin Kin and Cooroibah</b> In relation to the 'urban areas' at Kin Kin and Cooroibah (see Strategic Framework Map 1), the department notes these areas are shown as 'Urban' on the Strategy Map of the current Noosa Plan.</p> <p>The identification of these areas as 'urban areas' in the Strategic Framework does not incorporate these areas in the Urban Footprint under <i>ShapingSEQ</i>. <u>No change is required to the draft New Noosa Plan in relation to these areas.</u></p>	
5	Strategic Framework and all relevant sections	<p><b>Action:</b> Investigate the potential to identify longer-term options to accommodate growth in the northern area of the Noosa Shire. These should be reflected in the strategic framework for investigation.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> requires local government planning schemes to have at least 15 years supply of land (appropriately zoned and able to be serviced) available at all times. As such, and in accordance with the northern sub-regional direction, there must be longer-term growth opportunities proposed by council in the event additional urban land is required. Analysis carried out as part of responding to the item immediately above may also inform this response.</p> <p><b>ADDITIONAL COMMENTS:</b> In accordance with the northern sub-regional direction, council will be encouraged to investigate the potential to identify limited additional longer-term urban growth opportunities, giving consideration to broader strategies for their long-term rural, environmental and landscape sustainability.</p> <p><u>In line with this, council are encouraged to investigate the potential to identify longer-term options to accommodate growth in the northern sub-region. Opportunities should be reflected in the</u></p>	<p>Council does not agree with this and considers it unrealistic to suggest further growth in the northern part of the Shire.</p> <p>The only SEQ Regional Plan Urban footprint in the northern half of the Shire is over Boreen Point and expansion or infill of this village is impractical and undesirable for various reasons including the sensitivity of the lakefront environment, the special character, the lack of water and sewerage, the fact it gets cut off in flood events etc.</p> <p>The rural village of Kin Kin does not have an urban footprint at all and its growth is neither Council's nor the State's intention. It is a long way from employment or services with little or no transport options.</p> <p>Land within the urban footprint of Cooran is largely developed. Lots are larger than other urban areas for reasons of character, flooding and effluent disposal (no water or sewerage).</p> <p>In terms of the broader Shire, Council is aware of a couple of areas which may have potential for urban growth in the future, however they are not without constraints and as there has been no meaningful investigation to date it is preferred these not be mapped in this planning scheme at this stage as it prematurely generates speculation. These areas will be investigated later and potential be part of future planning scheme amendments.</p>

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		<p><u>strategic framework for future investigation</u>. This is not required to be a commitment to development within a certain timeframe.</p>	
6	Strategic Framework and all relevant sections	<p><b>Action:</b> Identify the number of additional dwellings to be provided through zone changes and assessment provisions, and where these will be located. Specifically, identify and provide evidence of how housing diversity will be achieved across the Noosa Shire and in particular where new land is proposed to be included in the Urban Footprint.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> seeks to accommodate the region's urban growth needs in the Urban Footprint in an efficient manner. <i>ShapingSEQ</i> also promotes housing diversity to meet the changing make-up of our population and community needs. The planning scheme provisions must align with the policy directions under <i>ShapingSEQ</i> which seek to plan for and deliver a greater range of 'missing middle' housing forms in suitable locations.</p> <p><b>ADDITIONAL COMMENT:</b> As noted in response to item 4 above, <u>at this stage the department has no significant concerns with the capacity for additional dwelling growth to 2041 provided by council</u>. However, council should note the advice provided in item 4 above, for ongoing consideration.</p> <p>Further, the department acknowledges council's Housing Needs Assessment which highlights a mismatch between dwellings being constructed and the needs of the Noosa community. It is noted particular needs relate to more affordable accommodation, smaller dwellings, additional aged care and special needs.</p> <p>The range of measures included by council in the draft New Noosa Plan to accommodate these needs are noted.</p>	<p>SEQ Regional Plan requires an additional 6400 dwellings between 2016 and 2041. This can be accommodated as outlined for point 4 above. Growth from the 2016 base year will be broken down into the following</p> <ul style="list-style-type: none"> <li>• The take up of existing or newly created vacant lots with detached dwelling houses (eg vacant lots in existing urban areas and newer subdivisions at Noosaville, Noosa Heads, Tewantin, Cooroy)</li> <li>• Redevelopment of older housing stock for dual occupancies and units</li> <li>• New medium density multiple dwellings next to the Major Activity Centres</li> <li>• Mixed use developments, Shop-top or ancillary units within existing activity centres</li> <li>• New and expanded retirement villages (later stage of Domain, Palm Lakes, Blue Care etc)</li> </ul>
7	Zone Map ZM - 13	<p><b>Action:</b> Remove the Community Facilities (Residential Care Facilities) zoning from Lot 15 SP177649 at Noosa Heads</p> <p><b>Reason:</b> The Planning Regulation 2017 (schedule 10, part 16) prohibits residential care facilities with a GFA or more than 5,000m<sup>2</sup> outside the Urban Footprint. As the site is located in the RLRPA and has an area of 9.559ha, development of a residential care facility could be prohibited in this location.</p> <p><b>ADDITIONAL COMMENTS:</b> including this lot in the Community Facilities zone (with no annotation) would not allow for the potential use of the site for residential care facilities, as intended by council. <b>Community Facilities is not an urban zone</b> and the development of a residential care facility with a GFA of more than 5,000m<sup>2</sup> on this site would be prohibited development under the Planning Regulation 2017.</p> <p>If the lot were included in an urban zone, future development on the site would be considered <i>excluded development</i> under the SEQ regulatory provisions. <u>However, council would need to undertake an assessment of the site against the Urban Footprint principles (see <i>ShapingSEQ</i>, Chapter 3) to determine the site's suitability for inclusion in an urban zone.</u></p> <p><b>The department invites further discussion with council about the potential options to facilitate council's intended use of this site.</b></p>	 <p>This is a site which while outside of the SEQ Regional Plan Urban Footprint is surrounded on two sides by Urban Footprint and contains substantially unconstrained land.</p> <p>While the whole site has an area of 9.5ha, approximately one third was proposed to be put in the Environmental Management and Conservation Zone and should remain undeveloped). It does contain some MSES values but much of the site is very disturbed due to previous uses. It is very close to urban services and Council saw it as a potential site for residential care facilities, a use which our Housing Needs Assessment identified as being in significant demand in the coastal part of the shire.</p> <p><b>Council will not pursue this at this stage and the site will be zoned Environmental Management and Conservation reflecting the current zone.</b></p>
8	Strategic Framework and all relevant sections	<p><b>Action:</b> Confirm whether the council has investigated and refined the <i>ShapingSEQ</i> regional biodiversity values for protection under the planning scheme.</p>	<p>Council prepared a Biodiversity Assessment Report for Noosa Shire and this is available on eplanning portal. The mapping from this report informed the Area of Biodiversity Significance on the Biodiversity Overlay maps and the connecting habitat areas and ecological linkages on the Strategic Framework Biodiversity &amp; Environment map. Council's biodiversity mapping uses the state's RE mapping as well as finer vegetation</p>

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		<p><b>Reason:</b> <i>ShapingSEQ</i> (Goal 4, Element 2, Strategy 1) requires the protection of regional biodiversity values, and the ecological processes that support them, from inappropriate development (see <i>ShapingSEQ</i>, Map 5b and Table 11b).</p> <p><u>The department is satisfied the council has investigated and refined the <i>ShapingSEQ</i> regional biodiversity values for protection under the proposed planning scheme.</u></p>	mapping (some of which has been ground-truthed). These maps have been reviewed against the regional biodiversity values and are considered to reflect and incorporate those values consistent with <i>ShapingSEQ</i> .
9	Community Engagement Strategy	<p><b>Action:</b> The department considers the approach to Traditional Owner engagement as part of the Community Engagement Strategy to be a positive approach. However, under <i>ShapingSEQ</i> councils are not only required to consult with Traditional Owners but to also consider and meaningfully integrate their feedback into planning documents in accordance with Goal 4, Element 1, Strategies 1 -3. As such, the council will need to demonstrate how the feedback received through this targeted engagement has been reflected in the new planning scheme.</p> <p>The Queensland South Native Title Services have offered to assist SEQ councils in connecting with local Traditional Owners, should the council need assistance. For further information, contact Kevin Smith, Queensland South Native Title Services, phone (07) 3224 1200, email kevin.smith@qsnts.com.au.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> (Goal 4, Element 1) seeks to ensure Aboriginal and Torres Strait Islander peoples are engaged and their culture is respected and reflected in planning for the region.</p> <p><u>The department considers council's proposed and ongoing approach to Traditional Owner engagement to be a positive approach.</u></p> <p><u>Council should continue to demonstrate how feedback received during public consultation and through this targeted engagement has been reflected in the proposed New Noosa Plan for adoption.</u></p>	Council has had various meetings with the Kabi Kabi First Nation native title claimants over the last few years and has made successful progress in identifying areas of shared interest and areas where council can support and work with Kabi Kabi people. While the planning scheme is part of this, there are other areas of council business that Kabi Kabi can participate in decision making and in onground work. Council will continue to build relationships with these contacts and share information on environment and river related projects, landscape/conservation planning and employment opportunities (ranger/bushcare programs). Council will directly engage with Kabi Kabi during the next phase of community consultation for the planning scheme. Council will look to incorporate any planning scheme suggestions wherever appropriate. Council is also party to the State government ILUA negotiations with Kabi Kabi First Nations. This includes detailed tenure analysis of individual parcels in Noosa Shire where council has a property interest to determine how these interests could coexist with native title interests. Council is keen to foster open and cooperative relationship building with Kabi Kabi into the future. Targeted engagement as part of the planning scheme consultation is an important part of this.
State Interest: <i>Building Act 1975</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
10	Part 9 – Table 9.4.8.3 Criteria for assessable development (part); Conflicting land uses Table 9.5.1.3 Criteria for assessable development (part)	<p><b>Action:</b> Amend the performance and acceptable outcomes in Table 9.5.1.3, and AO14.1 in Table 9.4.8.3 to ensure consistency with the Building Act 1975 and QDC Code MP 4.4. Additionally, the scheme appears to introduce undefined terms in these tables, particularly, 'noise sensitive use'.</p> <p><b>Reason:</b> The QDC MP 4.4 requires that, 'Habitable rooms in residential buildings located in a transport noise corridor are adequately protected from transport noise to safeguard occupants' health and amenity.' The current draft scheme appears to be inconsistent with the intent and purpose of this code as it generally seeks to have no new uses included, rather than have those uses designed and adequately protected from noise. This matter may require further discussion with Building Codes Queensland and Department of Transport and Main Roads.</p>	<p>Within the Transport Code, PO14 has been carried across from the current scheme. The transport code is not called up for a dwelling house. As the Transport Code is about designing and building infrastructure rather than designing and constructing residential development <b>we have deleted what was PO14 and corresponding AO14.</b></p> <p>Within the Reconfiguring a Lot Code, PO25 was also a carry-over from the existing scheme. Our approach has been to try to minimise or avoid residential development in those corridors we know will be noisy. <b>However we have deleted what was PO25 and AO25</b></p>
11	Building design and services 9.3.1.3 Criteria for assessment (part) AO6.1 A minimum of 4kW photovoltaic solar power system is provided for the dwelling. AO6.2	<p><b>Action:</b> <u>Remove requirements for 4kW photovoltaic solar power system.</u></p> <p><b>Reason:</b> The Building Regulation 2006 in Part 3 <i>Prescribed matters or aspects for local laws or local planning instruments</i>, specifies</p>	<b>PO6 and the corresponding AOs have all been deleted and subsequent provisions renumbered.</b>



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	<p>A solar hot water system or electric heat pump is provided for water heating. Energy efficiency PO6 Dwellings minimise energy consumption by incorporating: (a) solar power or other non-polluting renewable energy sources to supply part or all of the dwelling's energy needs; and (b) energy efficient systems for water heating.</p>	<p>building matters a local planning scheme may designate for the Building Codes Australia (BCA) or Queensland Development Code (QDC) and aspects of, or matters related or incidental to, building work about which a local government makes or amends in a provision of a local law or planning scheme or a resolution.</p> <p>The provisions in this part do not include adding large photovoltaic systems. A local government cannot force households to adopt photovoltaic systems of a minimum of 4kW.</p> <p>Energy efficiency provisions are included in QDC MP 4.1 Sustainable Buildings, refer A1(2)(C): (c) 1 star where a building has a solar photovoltaic system of at least 1kW in capacity (maximum power output) is installed.</p> <p>Local government can't impose the requirement for 4kw system as the QDC MP 4.1 allows applicants to choose photovoltaic cells as an option to achieve part of their required star rating.</p>	
12	<p>9.3.1.3 Criteria for assessment AO7.1 With the exception of the reuse or renovation of existing buildings which do not already comply, dwellings have: a roof pitch no less than 5 degrees to 75% of the roof; and 600 millimetre eaves to 75% of the perimeter of the dwelling</p> <p>Editor's Note — 450 millimetre eaves will achieve AO7.1(b) provided a 150 millimetre gutter is used.</p> <p><b>AO7.2</b> With the exception of the reuse or renovation of existing buildings which do not already comply, the dwelling's roof colour achieves a maximum solar absorptance value of 0.5.</p> <p>Editor's Note— the solar absorptance value is included in colour selection brochures provided by companies that supply roof materials. The National Construction Code also provides some guidance on colours and their absorptance value.</p>	<p><b>Action:</b> <u>Remove requirements about the provisions regarding roof pitch and the width of eaves, these both form part of the energy efficiency provisions of the National Construction Code (NCC).</u></p> <p><b>Reason:</b> A local planning instrument must not include a provision about building work, to the extent the building work is regulated under the building assessment provisions, unless allowed under the Building Act - <i>Planning Act 2016</i> Section 8 (5).</p> <p>It is not clear why Council is concerned about addressing building provisions which are governed by the building assessment provisions such as those in the NCC. To clarify, the provisions in AO 7.1 and AO7.2 are in conflict with the scope of the building assessment provisions. Council may address building design to achieve particular aesthetic design outcomes but not for the energy efficiency purposes as prescribed in AO7.1 and AO7.2.</p>	<p><b>Original Performance outcome has been deleted and replaced with the following:</b></p> <p><b>Roof design &amp; articulation</b> <b>PO6</b> <i>Within the Local Plan Areas for Hinterland Villages, Cooroy, Tewantin or Noosaville, buildings contribute to the local character through buildings that incorporate:</i> a) pitched roof design; and b) eaves and/or awnings.</p> <p><b>AO6</b> <i>With the exception of the reuse or renovation of existing buildings which do not already comply, dwellings have:</i> a) a roof pitch no less than 5 degrees to 75% of the roof; and b) 600 millimetre eaves to 75% of the perimeter of the dwelling.</p> <p><b>Editor's Note — 450-millimetre eaves will achieve AO6 (b) provided a 150 millimetre gutter is used.</b></p>
13	<p>9.3.1.3 Criteria for assessment AO8 Where premises are connected to reticulated water supply, a minimum 5,000 litres of rain water storage is provided on site which captures rainwater from a minimum of half the roof area and enables its reuse for nonpotable purposes on site.</p> <p>Editor's Notes— For clarification, a total of 5,000 litre rain water storage is required for a site that includes a secondary dwelling or a dual occupancy.</p> <p>The Queensland Development Code includes provisions for the installation of rain water tanks and the reuse of stormwater.</p>	<p><b>Action:</b> <u>Remove requirements relating to rainwater tanks and other supplementary water supply systems.</u></p> <p><b>Reason:</b> Rainwater tanks including the mandatory provision of them has been removed for some time. Under the QDC MP 4.2 – RAINWATER TANKS AND OTHER SUPPLEMENTARY WATER SUPPLY SYSTEMS, local governments must apply to the Minister to make a local government area with a building development approval mandatory to install a rainwater tank – 4 Approval to make Part mandatory for an area (1) A local government may apply to the Minister for an approval to require the mandatory application of this Part to a building development application for a new class 1 building to be located within a reticulated town water area.</p> <p>Refer Building Regulation 7 Additional water saving targets (1) This section applies for work (relevant work) that— (a) is the subject of building assessment work or is accepted building work; and (b) is for a class 1 building. (2) A provision of a local law or planning instrument or a local government resolution may impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under QDC part 4.2. (3) However, an additional requirement may be imposed only if Noosa is not among the list of local governments listed in Schedule 2A of the BR therefore permission has not been sought or granted.</p>	<p><b>Original PO8 and corresponding AO has been deleted.</b></p> <p>Council may apply to the Minister for an approval to require the mandatory application of QDC MP 4.2 to a building development application for a new class 1 building to be located within a reticulated town water area and that we can apply to vary the application of MP4.2. This will be considered outside of this Planning Scheme State Interest Review process.</p>

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14	<p>9.3.1.3 Criteria for assessment AO20.3 Where involving a minor addition to an existing dwelling house that is situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area): the extension has a gross floor area not exceeding 20m<sup>2</sup>; and the finished floor level of any new habitable room is not less than the floor level of the existing habitable rooms.</p> <p>Editor's note—The QDC mandatory provisions MP3.5 also apply to the construction of buildings in flood hazard areas.</p>	<p><b>Action:</b> Remove provisions for storm tide inundation level.</p> <p><b>Reason:</b> The QDC MP 3.5 storm tides are not included in flood events. Storm tide events are very different in nature to a flood which is why they have not been included in the code. If building a minor addition, if no other planning provisions apply such as a for Ral, MCU or operational work, a building development approval can be done, however the level situated below the Defined flood level must be a non-habitable area. Under the Australian Building Codes Board's (ABCB), Construction of Buildings in Flood Hazard Areas Standard - 2.4 Floor Height Requirements Unless otherwise specified by the appropriate authority- (a) the finished floor level of habitable rooms must be above the FHL; and (b) the finished floor level of enclosed non-habitable rooms must be no more than 1.0 m below the DFL. Note: The structural provisions of this Standard are based on the DFL being a maximum of 1.0 m above the finished floor level of enclosed rooms. Therefore, if the appropriate authority permits more than 1.0m, additional structural analysis should be undertaken.</p> <p><b>ADDITIONAL COMMENTS:</b> It's acknowledged that council has amended the references to stormtide.</p> <p>By imposing a maximum 20m<sup>2</sup> GFA AO20.3 (1) Council is prescribing a structural design requirement in response to flood. This is in conflict with the building assessment provisions. Section 13 of the Building Regulation 2006 outlines what a local government may address in terms of building controls to mitigate flood impacts. Apologies for not making this clearer in our original comment.</p> <p>BLP is requested to provide the council with further advice on the applicability of QDC MP3.5 for alterations and additions in relation to extensions to existing buildings. For example Table 1 of QDC MP3.5 states this mandatory part is only applicable to additions to a class 1 building where the additions constitute 50% of more of the floor area of the existing building.</p>	<p><b>Provision has been deleted.</b></p>
15	<p>9.3.1.3 Criteria for assessment PO21 Enclosed car parking and manoeuvring areas do not obstruct the drainage of flood waters or create a health hazard after flood and storm tide inundation events; and AO21 Enclosed car parking and manoeuvring areas situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area) are constructed at a level that permits the parking area to drain from the site by gravity means, without the need for mechanical pumping.</p>	<p><b>Action:</b> Amend throughout the scheme for consistency with MP 3.5.</p> <p><b>Reason:</b> MP 3.5 - A1 The building complies with sections 2.3, 2.5 - 2.8 and section 2.10 of the national flood standard, and— ABCB Flood Standard 2.6 Requirements for Enclosures Below the Flood Hazard Level (FHL) (a) Any enclosure below the FHL must have openings to allow for automatic entry and exit of floodwater for all floods up to the FHL. (b) The openings must meet the following criteria- (i) doors and windows must not be counted as openings, but openings can be installed in doors and windows; and (ii) there must be a minimum of two openings on different sides of each enclosed area; and (iii) the total net area of all openings must be at least 1% of the enclosed area; and (iv) openings must permit a 75 mm sphere to pass through; and (v) any opening covers must not impede the flow of water.</p> <p><b>Council may refer to the performance requirements in the Code to achieve alternative solutions.</b></p>	<p><b>AO21 has been removed and PO13 reworded as follows:</b></p> <p><b><i>"Underground car parking areas are drained to function safely during a flood event and power failure."</i></b></p> <p>No further action required</p>
16	<p>9.3.1.3 Criteria for assessment PO22</p>	<p><b>Action:</b> Remove the provisions as they are already included in MP3.5 and ABCB's Construction of Buildings in Flood Hazard Areas Standard.</p>	<p><b>PO22 and AO22 have been removed</b></p>

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	Essential network infrastructure (e.g. on-site electricity, water supply, sewerage and telecommunications) maintains effective function during and immediately after flood and storm tide inundation events.	<b>Reason:</b> Refer <i>Planning Act 2016</i> Section 8 (5).	
17	9.3.1.3 Criteria for assessment AO22	<b>Action:</b> Amend provisions as per comment for AO20.3.  <b>Reason:</b> Comment Refer <i>Planning Act 2016</i> Section 8 (5).	<b>PO22 and AO22 have been removed</b>
18	9.3.1.3 Criteria for assessment Page 10 PO23 Filling, other than accessways, does not extent more than 1.0 metre beyond the footprint of any building, measured from the outer walls of the building.	<b>Action:</b> Amend or remove acceptable outcome.  <b>Reason:</b> Filling a distance of no greater than 1m from the building's footprint may require additional footing work in the form of drainage bollards and other structures such as retaining walls to hold back earthworks from a cut and fill site. This work would be classed as building work not operational work, due to requiring a concrete reinforced footing.  Note: the acceptable outcome has been referenced in the scheme as a 'PO' rather than 'AO'. <b>DSDMIP questions whether this is an operational works issue and should be dealt with through operational works requirements rather than the Low density housing code. Council to look further into this.</b>	Acceptable outcome has been removed however, we still had concerns about this for reasons of both overland flow and amenity. Some properties in Noosaville for instance that need to meet a minimum floor height are filling their whole site to be the same level of the floor. DSDMIP questions whether this is an operational works issue and should be dealt with through operational works requirements rather than the Low density housing code.  <b>Council has deleted the AC. An editor's note has been added to highlight the privacy and drainage issues that can arise when whole lots are filled to the boundary in urban areas:</b>  <b>Editor's note— Development should ensure that filling does not impacts on:</b> <b>a) neighbouring privacy;</b> <b>b) the amenity and usability of neighbouring properties; or</b> <b>c) offsite drainage.</b>
19	Table 9.3.3.3 AO13 Enclosed car parking and manoeuvring areas are constructed at a level that permits the parking area to drain from the site by gravity means, without the need for mechanical pumping.	<b>Action:</b> Amend to align with MP 3.5.  <b>Reason:</b> MP 3.5 - A1 The building complies with sections 2.3, 2.5 - 2.6 and section 2.10 of the national flood standard, and— ABCB Flood Standard 2.6 Requirements for Enclosures Below the Flood Hazard Level (FHL) (a) Any enclosure below the FHL must have openings to allow for automatic entry and exit of floodwater for all floods up to the FHL. (b) The openings must meet the following criteria- (i) doors and windows must not be counted as openings, but openings can be installed in doors and windows; and (ii) there must be a minimum of two openings on different sides of each enclosed area; and (iii) the total net area of all openings must be at least 1% of the enclosed area; and (iv) openings must permit a 75 mm sphere to pass through; and (v) any opening covers must not impede the flow of water.	<b>AO13 has been removed and PO13 reworded as follows:</b>  <b>"Underground car parking areas are designed to drain and function safely during a flood event and power failure."</b>
	Table 9.4.3.3 AO1.1 The footing of any structure or building is located clear of the zone of influence but no closer than 1.5m (measured horizontally) from stormwater structures.	<b>Action:</b> Remove provisions as these are contained in the building legislation.  <b>Reason:</b> Refer Building Regulation 2006 (BR), Schedule 1, Part 3 – 3 Work for particular retaining walls (1) Building work for a retaining wall is prescribed if— (a) there is no surcharge loading over the zone of influence for the wall; and (b) the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and (c) the wall is no closer than 1.5m to a building or another retaining wall  These provisions are also contained in the QDC MP 1.4 – Building over or near relevant infrastructure 4 Application	<b>All the Acceptable Outcomes AO1.1 to AO1.6 have been deleted and an editor's note added to stress development must comply with the QDC. (We want to make sure it is a matter that is remembered.)</b>

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		5(b) the building or structure is located so the invert level for a pipe forming part of the infrastructure is at least 300mm above the point of the zone of influence of the building or structure that intersects the vertical plane along the centreline.	
20	Table 9.4.3.3 AO1.2 AO1.3 AO1.4 AO1.5 AO1.6	<b>Action:</b> Amend provisions for consistency with QDC MP1.4.  <b>Reason:</b> This content has been covered in the Building Regulation under Schedule 1 Part 3 and MP 1.4. Building over or near relevant infrastructure.	<b>All the Acceptable Outcomes AO1.1 to AO1.6 have been deleted and an editor's note added to stress development must comply with the QDC. (We want to make sure it is a matter that is remembered.)</b>
21	Table 9.4.6.3 Building design PO8 (c) incorporates wide eaves and awnings for shading;	<b>Action:</b> Remove the requirement of width of awnings.  <b>Reason:</b> The use and width of awnings are contained in the NCC as part of the energy efficiency provisions.	<b>References to awnings have been deleted.</b>
22	Table 9.3.1.3 Bushfire Hazard Management AO19 (c), (d)	<b>Action:</b> Remove provisions related to mitigation of bushfire, which are contained in the Building Regulation section 12.  <b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for handstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires.	Building Regulation 2006 Section 12 allows the Local Government planning scheme to nominate the designated bush fire prone area which we have done through the overlay. The provisions of the BCA and QDC apply for building assessment within that area. <b>Items c) and d) have been deleted.</b>
23	Table 9.4.1.4 Minimum parking requirements including <b>end of trip facilities.</b> AO6.2 Secure and convenient parking spaces for bicycles are designed and provided on site in accordance with— <b>AS2890.3 Bicycle Parking Facilities; and</b> AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10.	<b>Action:</b> Remove references to AS 2890.3 Bicycles Parking Facilities  <b>Reason:</b> Provisions for end of trip facilities are contained in the QDC MP 4.1 – Sustainable buildings, end of trip in End of Trip Facilities A12 & P12.  <b>BLP confirms any provisions outside of the QDC and NCC can be considered in planning scheme.</b>	<b>This was something the community of Noosa is quite keen on and is carried forward from the existing scheme.</b>  It is acknowledged: <i>In accordance with the Sustainable Planning Act 2009 section 233(7) and section 86, the QDC and BCA override any similar provisions of a local government's planning instrument. The QDC and BCA regulate sustainable building designs and features, and local governments should not include additional or more stringent measures in a planning instrument. Where a planning scheme, local planning instrument or local law is inconsistent with a regulation, such as the Building Regulation 2006, the planning scheme, local planning instrument or local law is of no effect.</i>  However in relation to end of trip facilities:  Queensland Development Code Mandatory Part 4.1—Sustainable buildings guideline only applies to end of trip facilities requirements on commercial office buildings, shopping centres, hospitals and tertiary education facilities where they exceed 2,000 square metres (as defined by the QDC) and these where they are <b>located in a designated local government area</b> , as listed in schedule 1 of the Queensland Development Code (QDC) ( <b>Noosa is not listed as one</b> )  For local governments not listed in schedule 1 of the QDC, end-of-trip facilities can also apply where a council has published notice of a resolution to adopt the QDC provisions. The resolution will be published in a local newspaper and be available on the local government's website. It will outline the area considered a designated local government area (which may be all or part of the local government area). Noosa can obviously pursue this if necessary.  <b>Part 4.1 also says:</b> <i>For the purpose of end-of-trip facilities, a local government planning scheme may expand on the QDC requirements by:</i> <input type="checkbox"/> <i>requiring additional bicycle parking and storage facilities, locker facilities and change rooms higher than the QDC requirements</i> <input type="checkbox"/> <i>expanding the definition of a major development to encompass a broader range of buildings.</i>

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			Therefore there would seem to be scope for NSC to control this and it is just a matter of following the procedure allowed for in the QDC  <b>Action:</b> Have included an Editor's Note in the Driveways and Parking code stating that where there is an inconsistency between the scheme and the QDC, the QDC section 4.1 applies for what is considered major developments. Anything not listed as a major development is not covered by the QDC and therefore the planning Scheme can control.
24	Table 9.4.8.3 AO14.2  <b>AS ADDRESSED IN #10 ABOVE</b>	<b>Action:</b> Remove noise attenuation requirements for buildings not in a designated Noise Corridor.  <b>Reason:</b> This only applies to a mapped transport noise corridor, not an area within the vicinity of an arterial road.	Have deleted this from the code.
25	9.4.6.3 PO1	<b>Action:</b> Remove the reference to natural light and cross ventilation.  <b>Reason:</b> The requirement for natural lighting and natural ventilation is contained in the NCC building provisions.  <b>ADDITIONAL COMMENTS:</b> BLP considers this unnecessary red tape. While this provision might seem minor, if a planning instrument contains several redundant provisions (with no bearing as they are addressed by building legislation) than it creates a readability/clarity issue and may also cause unnecessary confusion.  This provision may be more applicable to very specific sites to sites/uses which are owned by the council.	<b>PO1 now reads as follows:</b> <i>Development minimises energy consumption and the production of greenhouse gas emissions.</i>  There is no AO provided.
26	Part 8 Overlays AO1.2	<b>Action:</b> Remove provisions related to mitigation of bushfire as contained in the Building Regulation section 12.  <b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for hardstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires.  <b>FURTHER COMMENTS:</b> BLP wants to ensure that Council removes other provisions in the planning scheme that feature the same principles as AO1.2 - setbacks from hazardous vegetation (for class 1-3 buildings and associated 10a structures as per AS3959).  Please note that the reference to hardstands or pumps was made in relation to AO 3.2. It was also stated that all reoccurring provisions of that nature need to be removed from the scheme. <b>Please ensure the other provisions (with similar principles as AO1.2) are addressed as per our Further Comments (regarding bushfire).</b>	<b>References to hardstands and pumps in AO3.2 have been removed.</b>  <b>Diagram showing the best place to build a house in bushfire areas has been removed.</b>  <b>Council has removed references to building setbacks from hazardous vegetation.</b>  <b>Other reoccurring provisions of this nature have been removed from scheme where they relate to building works.</b>  <b>New provision requiring that bushfire management measures be carried out on the subject property and not any adjoining property has been added to Bushfire Overlay Code.</b>  <b>Council awaits State agency response as to their acceptance of these changes.</b>
27	Part 8 Overlays AO3.2 AO3.3 AO3.4	<b>Action:</b> Remove building requirements and cut/fill requirements that are already regulated.  <b>Reason:</b> The structural design of buildings located on slopes is the structural engineer's role and is a building requirement, as are the classification and stabilisation of fill batters and what method should be used to stabilise the soil which makes up the battering. As for	This comment is presumably referring to Landslide Hazard Code Table 8.2.8.3.  Section 75 of the Building Act reads: <b>75 Earthworks and retaining walls</b>  If soil conditions, ground levels, excavation or filling make it necessary to protect land, buildings or structures in the neighbourhood of building work— (a) retaining walls must be built, or other suitable methods used, to prevent soil movement; and (b) drainage of the land, buildings or structures must be provided.

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		<p>limiting the height of cut and fill levels – refer for cut and fill for earthworks and retaining walls, section 75 of the <i>Building Act 1975</i>. The classification of earthworks and cut and fill provisions are contained in the NCC refer Volume 2 Part 3.1 Site Preparation. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>ADDITIONAL COMMENTS:</b> The Building Regulation 2006 Schedule 1 allows cut and fill to be self-assessable up to 1 metre. <u>Unless the council are trying to address aesthetic quality of building work or operational works requirements</u>, it should not be prescribing building provisions such as height of cut and fill. Refer definition of building work in the Building Act which includes excavation works.</p> <p>This provision is in various parts of the planning scheme. Amenity and aesthetics reasons can be incorporated which do not conflict with the building provisions. BLP confirms stability and erosion control are building provisions but aesthetics aren't.</p>	<p>The current and proposed scheme set a limit of 1.5m from natural ground to ensure buildings minimise modification to the natural topography for scenic amenity reasons.</p> <p><b>Amendments have been made to this Performance Outcome and Acceptable outcome to try to clarify it is about landscape character and aesthetics primarily rather than slope stability.</b></p> <p><b>Steep land, landscape character and scenic amenity</b> <b>PO3</b> <b>Development, including associated access, is designed and constructed to:</b></p> <ol style="list-style-type: none"> <li><b>be responsive to the natural topography and constraints imposed by the slope;</b></li> <li><b>retain the natural landforms, landscape character, vegetation, including the visual amenity of hill slopes and ridgelines;</b></li> <li><b>visually integrate into the streetscape and the natural surrounds; and</b></li> <li><b>ensure buildings and structures are not visually obtrusive, particularly from ridgelines, public open spaces, scenic routes and other critical vantage points, outside the site.</b></li> </ol> <p><b>AO3.1</b> <b>Buildings present no more than two storeys at any one point when viewed from the road or other public space.</b></p> <p><b>AO3.2</b> <b>Buildings and associated accesses are not constructed on land with a slope greater than 25% (1 in 4).</b></p> <p><b>AO3.3</b> <b>No additional lots intended to provide house sites are created on land with a slope of 25% or greater.</b></p> <p><b>AO3.4</b> <b>Buildings are designed to follow the natural landform rather than modify it.</b></p> <p><b>Editor's note- Designs that step down the slope using split level construction or elevated construction on suspended floors are a preferred alternative to standard slab on ground construction reliant on cut and fill of sites.</b></p> <p><b>AO3.5</b> <b>The extent of filling or excavation is revegetated immediately following completion of the works.</b></p> <p><b>AO3.6</b> <b>Any building, including any associated car parking structure:-</b></p> <ol style="list-style-type: none"> <li><b>has a maximum undercroft height at the perimeter of the building of 3 metres above ground level; or</b></li> <li><b>incorporates undercroft skirting or screening (such as timber battens) to the full height of any undercroft higher than 3 metres above ground level at the perimeter of the building; or</b></li> <li><b>incorporates landscape screening for the full height of any undercroft higher than 3 metres above ground level at the perimeter of the building.</b></li> </ol> <p><b>AO3.7</b> <b>On sites where slope gradients exceed 15% roof lines are generally parallel with contours of the land and roof pitch does not exceed 15 degrees.</b></p>
28	Part 8 Overlays AO2.4	<p><b>Action:</b> Amend to remove requirements for noise mitigation construction techniques/design.</p> <p><b>Reason:</b> Note unless the dwelling or building is in a Transport Noise Corridor, can the planning scheme implement noise mitigation construction techniques or design techniques. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>FURTHER COMMENTS:</b> The original comment made informed the council that <u>unless</u> the building work was in a designated transport noise corridor, the planning scheme cannot implement noise mitigation construction or</p>	<p>This relates to the Extractive Resources Overlay and the acceptable outcomes for development within the resource processing and separation area such as minimising openings in walls and using appropriate construction methods and materials including insulation and sound resistant glazing materials. Reference is made to the State interest guidance material – Mining and extractive resources page 19, which specifically includes the following within model code provisions.</p>

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		<p>design techniques. A certifier will not assess sound insulation requirements in line with a planning scheme because the National Construction Code contains the relevant requirements for wall treatments and glazing. Council can't introduce building controls such as these due to the scope of the building assessment provisions and the application of the Section 8 (5) of the Planning Act 2016.</p> <p><b>The NCC may capture these issues – this needs to be revisited. BLP are requested to look into this further and provide some further comments/advice. The council may look into a PO addressing amenity for this provision to avoid conflict.</b></p>	<p><i>Suitable mitigation measures may include:</i></p> <ol style="list-style-type: none"> <li><i>locating buildings and structures the greatest distance practicable from the resource extraction and processing areas and associated transportation routes;</i></li> <li><i>designing buildings so the areas where people work or congregate are furthest from the resource extraction and processing area and associated transportation routes;</i></li> <li><i>minimising openings in walls closest to the sources of any current or potential adverse effects;</i></li> <li><i>providing mechanical ventilation to areas in which people work or congregate;</i></li> <li><i>utilising appropriate construction methods and materials including insulation, sealants and glazing that minimise the transmission of noise, vibration, dust, fumes and odours; and</i></li> <li><i>providing outdoor recreation space adjacent to a building façade that shields the recreation space from resource extraction and processing areas and associated transport routes.</i></li> </ol> <p><b>AO2.4 now reads as:</b>  <i>Development within the extractive resource separation area incorporates design, orientation and construction materials that mitigate potential adverse effects from an existing or future extractive industry to acceptable levels by:</i></p> <ol style="list-style-type: none"> <li><i>locating buildings and structures the greatest distance practicable from the resource processing area and associated transport route;</i></li> <li><i>designing buildings so that areas where people live, work and congregate (habitable rooms) are furthest from the resource/processing area and transport route; and</i></li> <li><i>design and construction of walls and openings that minimise noise entry.</i></li> </ol>
29	Table 8.2.3.3 Lot design AO7	<p><b>Action:</b> Remove provisions related to siting for mitigation of bushfire.</p> <p><b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for hardstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>FURTHER COMMENTS:</b> The below highlighted provisions are in conflict with the application of AS3959 to the extent these provisions apply to class 1-3 buildings (and Class associated 10a structures).</p> <p><b>AO7</b>  (ii) achieves setbacks from hazardous vegetation for a distance of 1.5 times the height of the predominant mature tree canopy or 10 metres, whichever is greater;  and  (d) is designed so that buildings and structures are sited in locations of lowest hazard within the lot and elements of the development least susceptible to fire are closest to the fire hazard.</p>	<p>References to hardstands and pumps have been removed from AO3.2 as per #26 above.</p> <p>References to setbacks from hazardous vegetation in AO1.3 has been amended. The setbacks in AO7 have been retained as these relate to reconfiguring a lot and not building works. It is about the correct placement of a building envelope where a future house would be located.</p>
30	Figure 8.2.3.4 Lot Design	<p><b>Action:</b> Remove Figure 8.2.3.4 Lot Design</p> <p><b>Reason:</b> The provisions relating to the placement of a dwelling uphill or downhill of slopes is contained in AS 3959 Construction of buildings in bushfire prone areas.</p>	<p><b>Figure 8.2.3.4 has been removed as has the reference to the figure in AO7.</b></p>

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		This information should not be changed or repeated for inclusion in planning schemes. Refer Planning Act 2016 Section 8 (5).	
31	8.2.6 Flood Hazard Overlay Code Throughout the POs and AOs in Table 8.2.6.3	<p><b>Action:</b> Please separate merging Defined Flood Event (DFE) provisions with Defined Storm Tide Event (DSTE)</p> <p><b>Reason:</b> These are not included in the current flood provisions as outlined in MP 3.5 – Construction of buildings in flood hazard areas and the Australian Standard Construction of Buildings in Flood Hazard Areas, please remove all merged data and requirements.</p> <p><b>If you separate through the overlay code, will you also separate on the overlay?</b></p> <p><b>BLP:</b> <b>If the storm tide provisions don't reference or interfere with our flood code, there is no issue.</b></p>	<p><b>References to the Design Storm Tide Event has been removed throughout the overlay in most instances though where high frequency nuisance stormtide flooding needs to be considered as a result of climate change the reference to DSTE has been retained (AO5).</b> Large parts of Noosaville are expected to be inundated by stormtide and frequent tidal inundation into the future.</p> <p>There is no need to distinguish between what is catchment flooding and stormtide inundation on the overlay mapping as in all instances stormtide areas are also affected by catchment flooding with catchment flooding being the more dominant hazard in terms of depth and extent of flood waters.</p>
32	<p>Table 8.2.6.3 AO1 The finished flood level is not less than the minimum design levels specified in Table 8.2.6.5</p> <p>AO2 The minimum area above flood level for each lot, is in accordance with Table 8.2.6.5</p> <p><b>AO4.2</b> Development provides for an area of sufficient size and dimensions on site above the PMF or PMST that allows for safe congregation and refuge.</p> <p><b>PO5</b> Development does not directly, indirectly or cumulatively alter the flood characteristics external to the development site for all flood events up to and including the DFE or DSTE based on: a) current climate conditions; and b) incorporating an appropriate allowance for the predicted impacts of climate change.</p> <p><b>AO5</b> In the Flood Hazard Overlay, or in areas otherwise determined to be subject to the defined flood event, development ensures: a) there is no loss of onsite flood storage capacity; b) all changes to level, depth, duration and velocity of floodwaters are contained within the site for all flood events up to and including the DFE or DSTE based on current climate and predicted impacts of climate change at 2100; and there is no acceleration or retardation of flows or any retardation in flood warning times elsewhere on the floodplain; and there is no increased stormwater ponding on sites upstream, downstream or in the general vicinity of the site.</p> <p><b>PO6</b> Development ensures that building design and building form accounts for potential flood risks and is resilient to flood events by: a) ensuring that building materials used have high water resistance and improve the resilience of a building during and after a flood or storm tide event; b) maintaining a functional and attractive street front address appropriate to the intended use; and c) where car parking and manoeuvring and basements areas are provided, ensuring these do not obstruct the drainage of</p>	<p><b>Action:</b> <u>Amend provisions that are in conflict with the Building Assessment Provisions.</u></p> <p><b>Reason</b> The provisions are in conflict with the Building Assessment Provisions. Refer s13 of the Building Regulation which outlines what a local government may prescribe in a planning instrument to address flood.</p> <p>The terminology used throughout these provisions is in conflict with terminology used in the building assessment provisions. For example, Minimum design level- surface level and minimum design level-flood level. Please review the QDC MP 3.5 and s13 of the Building Regulation 2006.</p> <p>Regarding overland flow and ponding, Refer P 2.2.1 and 3.1.1 Earthworks – 3.1.2 Drainage of the NCC V2 which addresses ponding, and impact of building work on surface water including onto adjoining sites.</p> <p><b>FURTHER COMMENTS FROM BLP:</b> <b>We cannot determine what has been changed adequately based on the information provided. The terminology in the QDC and ABCB Flood Standard cannot be changed and this includes 'Finished Flood Level' and 'Probable Maximum Flood.' PMST is ok because it relates to storm tide inundation which the flood codes don't address.</b></p> <p><b>Regarding the exclusion of dwelling houses from the overlay, this is helpful but the flood codes applies to all building work and not just dwellings. The flood overlay may address op works and ROL however.</b></p> <p><b>Thank you for changing reference to overland flow for ponding to relate to op works.</b></p> <p><b>Please ensure that the highlighted provisions are addressed accordingly, in line with section 13 of the Building Regulation 2006.</b></p> <p><b>Council may address climate change, DSTE and overland flow by siting new lots or reconfiguring existing lots.</b></p>	<p>Terminology in Table 8.2.6.4 changed to minimum <b>Finished Flood Level</b> for the floor levels of buildings as distinct from the finished surface level of new lots. This resolves terminology issue.</p> <p>Tables of assessment have been changed to exclude dwelling houses from assessment against the overlay code.</p> <p>The overlay code does not apply to dwelling houses but it does include provisions for other building works, operational works and reconfiguring a lot. Wording has been added to PO4, PO5 and PO10 to clarify what type of development the PO relates to, eg. RAL or operational works.</p> <p>Reference to overland flow and ponding etc (PO10) relate to operational works (earthworks etc) not building works. Wording has been changed to clarify this.</p> <p><b>AO6.1</b> has been deleted: Buildings and materials and surface treatments used below the DFE or DSTE are resilient to water damage and do not include wall cavities that may be susceptible to the intrusion of water and sediment</p> <p>An editor's note for flood resilient building materials has been amended and now reads: <i>Editor's Note—The use of flood resilient building materials is also encouraged for building works up to the probable maximum flood to reduce the consequences of flooding.</i></p> <p>Council would like to retain resilient building design requirements in PO6. Wording has been amended to avoid duplication with building regs. <b>Can BLP please advise on any additional wording changes if necessary that allow Council to maintain the intent of the PO particularly for streetscape amenity? This is relevant to our commercial/tourist area along the riverfront that gets inundated by flood water and stormtide periodically. New development should consider quality streetscape appearance when designing for flood immunity given the large changes in floor level required to meet the DFE.</b></p> <p><b>AO6.6</b> Basements and underground car parking areas are designed to drain and function safely during a flood event and power failure.</p> <p><i>Editor's note—Basements for residential uses should have flood immunity above the 1%AEP defined flood event with alternative means to mechanical pumping used to achieve such immunity.</i></p> <p><i>Basements for non-residential uses should have flood immunity above the 1%AEP defined flood event which may be achieved by means of mechanical pumping where the mechanical feature is installed with adequate holding tanks and an alternative back up power source.</i></p> <p><b>Reference in AO8</b> to "resist hydrostatic and hydrodynamic forces as a result of inundation" has been deleted.</p>



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<p>flooding waters or create a health hazard after a flood or storm tide events.</p> <p><b>AO6.1</b> Buildings and materials and surface treatments used below the DFE or DSTE are resilient to water damage and do not include wall cavities that may be susceptible to the intrusion of water and sediment.</p> <p><b>AO6.5</b> Non residential buildings and structures are oriented to the street by activating the street frontage with appropriate uses and urban design treatments such as recessed wall treatments, screening or landscaping, whilst allowing for flow through of flood waters on the ground floor. Editor's Note— The use of flood resilient building materials is also encouraged in areas above the DFE (up to the probable maximum flood) to reduce the consequences of flooding associated with unforeseen events larger than the DFE.</p> <p><b>AO6.6</b> Enclosed car parking and manoeuvring areas situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area) are constructed at a level that permits the parking area to drain from the site by</p> <p><b>AO6.7</b> Basements for residential uses have flood immunity above the 1%AEP defined flood event and alternative means to mechanical pumping are used to achieve such immunity.</p> <p><b>AO6.8</b> Basements for non-residential uses have flood immunity above the 1%AEP defined flood event which may be achieved by means of mechanical pumping where the mechanical feature is installed with adequate holding tanks and an alternative back up power source.</p> <p><b>AO8</b> Essential network infrastructure that is likely to fail to function or may result in contamination when inundated by flood water (e.g electrical switch gear and motors, water supply pipeline air valves and the like) is: a) located above the DFE and DSTE level (or where the DFE or DSFE has not been modelled for the area, above the highest recorded flood or storm tide inundation level for the area); or b) designed and constructed to exclude floodwater or storm tide intrusion and resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE or DSFE.</p> <p><b>PO10</b> Filling, excavation or retaining structures only occur where they: c) do not directly, indirectly or cumulatively cause adverse impacts external to the site; d) do not cause increased flooding, which adversely affects the safety or use of any land upstream or downstream; do not cause ponding of water on the site or nearby land; do not result in a reduction in flood storage capacity; do not adversely affect the flow of water in any overland flow path; and</p> <p><b>AO10</b> Filling, other than accessways, does not extend more than 1 metre beyond the footprint of any building, measured from the outer walls of the building.</p>	<p><b>Prevent building development approvals on those lots at the planning stage.</b></p>	
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	<p>AO11.1 Materials manufactured or stored on site are not hazardous or noxious, or do not comprise materials that may cause a detrimental effect on the environment if discharged in a flood event. OR AO11.2 If a DFE or DSFE is adopted, structures used for the manufacture or storage of hazardous material are: a) located above the DFE level; or b) designed to prevent the intrusion of floodwaters;</p> <p>Table 8.2.6.5 Flood Levels and Flood Immunity Requirements</p> <p>Minimum design level – surface level</p> <p>Minimum design level flood Level</p>		
33	<p>Part 6.3 Residential Zones Category Part 6.3 Environment and Heritage Table 6.3.1.3 Criteria for assessment (part) AO19.3 Where there is a nominated building envelope on the lot, clearing of native vegetation and building works do not extend beyond the building envelope, except for the purposes of a driveway access. And AO12.3 of Table 6.3.5.3</p>	<p><b>Action:</b> Include a note to clarify that the certifier will need to assess bushfire attack level with regards to distance from vegetation in line with requirements in the National Construction Code and AS3959.</p> <p>Applies to all reoccurrences throughout the planning scheme.</p> <p><b>Reason</b> For consistency with NCC and AS3959.</p>	<p>This AO has been deleted.</p>
<p>???</p> <p>33B</p>	<p>Part 6.3 Residential Zones Category Part 6.3 Sloping sites Table 6.3.1.3 Criteria for assessment</p> <p><b>PO20</b> is responsive to the natural topography and sits within the landscape rather than dominating it; steps down slopes or uses suspended floor construction; minimising cut and fill; and uses materials, finishes and colours that complement the natural setting and integrate with the landscape and skyline.</p> <p><b>AO20.1</b> Buildings and structures are not constructed on land with a slope greater than 25%.</p> <p><b>AO20.2</b> On properties located on ridgelines or where slope gradient exceeds 15%: roof lines are generally parallel with contours of the land; roofs do not exceed a pitch of 15 degrees; and buildings do not protrude above the height of prevailing vegetation. Editor's note—refer to Figure AP33B</p> <p><b>AO20.3</b> Where slope gradients exceed 15%, split level buildings are used as an alternative to standard single or double storey construction to minimise building bulk and benching of the sites. Editor's note—refer to Figure 6.9.1A and Figure 6.9.1B</p> <p><b>AO20.4</b> External building materials are lightweight (such as timber or board, stainless steel, glass, and corrugated iron) and nonreflective with large expanses of solid colours avoided.</p>	<p><b>Action:</b> Amend for clarity in all cases through the planning scheme in regards to aesthetic/visual character.</p> <p>Amend or remove any of the highlighted AO's if they are not strictly included for visual/aesthetic purposes.</p> <p>Remove Figure 6.9.1A and 6.9.1B unless it can be clarified in the relevant POs that the requirements are for visual/aesthetic reasons (as opposed to structural stability provisions which are captured by the building assessment provisions).</p> <p><b>Reason:</b> It's unclear if these provisions are strictly for aesthetic/visual character purposes only. If so, please clarify in the PO. These provisions reoccur throughout the scheme (such as PO11 and AO11 on page 59 of Part 6.3). Please amend all in line with these comments. The same provisions reoccur with slightly different requirements in other parts of the scheme such as PO15 and AO15 on of Part 6.8. Please amend the corresponding POs for those provisions in line with this comment.</p> <p>These inclusions far exceed the level of detail in building design prescribed by most local governments.</p> <p>The NCC addresses the structural requirements for buildings on slopes. Refer NCC Volume 2 Part 3.1.1.1 Earthworks.</p>	<p>We have re-written part of Table 6.3.1.3 (Residential Low Density Zone) now with the sub heading of Environment, heritage and scenic amenity to try to clarify these matters are tied to the landform and landscape</p> <p><b>PO19</b> <b>Development:</b></p> <ul style="list-style-type: none"> <li>a) has minimal impact on the natural landform and landscape of the site;</li> <li>b) does not lead to erosion or the transport of sediments off site;</li> <li>c) does not lead to the disturbance of natural features, buildings or structures of cultural heritage significance.</li> </ul> <p><b>AO19.1</b> Cut or fill is less than 1.5 metres in depth relative to the ground level.</p> <p><b>AO19.2</b> Development does not result in sediment or other material including building materials or waste products being deposited or released into the road reserve, stormwater drain or adjacent properties.</p> <p><b>AO19.3</b> Development on a site adjoining a local heritage place respects the cultural heritage significance of the place by mitigating any adverse impacts on the setting or integrity of the heritage values.</p> <p><b>Editor's Note—Local heritage places are identified on the Heritage and Character Area Overlay Maps in Schedule 2.</b></p> <p><b>PO20</b> <b>Development on sloping sites:</b></p> <ul style="list-style-type: none"> <li>a) is visually responsive to the natural topography and sits within the landscape rather than dominating it;</li> <li>b) steps down slopes or uses suspended floor construction, minimising Cut or fill and avoiding benching of the site;</li> <li>c) retains natural vegetation that assists in screening or visually softening development; and</li> <li>d) uses materials, finishes and colours that complement the natural setting and integrate with the landscape and skyline.</li> </ul>

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	<p>Figure 6.9.1A and 6.9.1B in Part 6.9</p>		<p><b>AO20.1</b> Buildings and structures are not constructed on land with a slope greater than 25%.</p> <p><b>AO20.2</b> On properties located on ridgelines or where slope gradient exceeds 15%: a) roof lines are generally parallel with contours of the land; b) roofs do not exceed a pitch of 15 degrees; and c) buildings do not protrude above the height of prevailing vegetation.</p> <p><i>Editor's note—refer to Figure AP3-3B</i></p> <p><b>AO20.3</b> Where slope gradients exceed 15%, split level buildings with small floorplates are used as an alternative to standard single or double storey construction to minimise building bulk and benching of the sites.</p> <p><i>Editor's note—refer to Figure 6.9.1A and Figure 6.9.1B</i></p> <p><b>AO20.4</b> External building materials are lightweight (such as timber or board, stainless steel, glass, and corrugated iron) and non-reflective with large expanses of solid colours avoided.</p> <p>Similar changes have been done in: Table 6.3.2.3 (Res Medium Density Zone) Table 6.3.3.3 (Res High Density Zone) Table 6.3.5.3 (Rural Residential Zone) Table 6.8.3.3 (Rural Zone)</p> <p>(We have also taken duplicated provisions out of the Local Area codes)</p>
<p>34</p>	<p>Part 6.3 Residential Zones Category Part 6.3 Sloping sites Table 6.3.1.3 Criteria for assessment</p> <p><b>PO21</b> Development and associated site works including filling, excavation and retaining structures do not directly, indirectly or cumulatively cause adverse impacts external to the development site by: causing ponding of water on the site or nearby land; increasing flooding, which adversely affects the safety or use of any land upstream or downstream; or adversely affecting the flow of water in any overland flow path.</p> <p><b>AO21</b> Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.</p> <p><b>Part 6.4</b> <b>Earthworks and Drainage</b></p> <p><b>PO50</b> Development and associated site works including filling, excavation and retaining structures do not directly, indirectly or cumulatively cause adverse impacts external to the development site by— causing ponding of water on the site or nearby land; causing erosion or the transport of sediment off the site; increasing flooding, which adversely affects the safety or use of any land upstream and downstream; or adversely affecting the flow of water in any overland flow path.</p> <p><b>AO50</b></p>	<p><b>Action:</b> Clarify provisions as per the reasoning below.</p> <p><b>Reason:</b> Are these provisions strictly only intended to address operational works? If so, please clarify in the PO and AOs. If the word 'development' is intended to address planning decisions and not building work, please also clarify.</p> <p>Please note that these or similar provisions reoccur throughout the scheme and all will need to be addressed in line with this comment (such as PO20 and AO20 in Table 6.3.2.3, PO18/AO18 Table 6.3.3.3 AND PO54/AO54 in Part 6.4, Table 6.4.2.3).</p> <p>If PO21 and AO21 (and PO50 AO50 above) are intended to apply to building work, this conflicts with P 2.2.1 and 3.1.1 Earthworks – 3.1.2 Drainage of the NCC V2 which addresses ponding, and impact of building work on surface water including onto adjoining sites.</p> <p><b>BLP:</b> The provisions still don't state that they apply for operational works. Note that filling/excavation can be considered building work. Note the proposed changes in red.</p> <p><b>Council: Changes suggested in red have now been made</b></p>	<p>Changes have been made to zone codes to clarify that the provisions are for operations works (filling and excavation) not for building works</p> <p><b>PO21</b> Filling and excavation for operational works do not directly, indirectly or cumulatively cause adverse impacts external to the development site by: a) causing ponding of water on the site or nearby land; b) increasing flooding, which adversely affects the safety or use of any land upstream or downstream; or c) adversely affecting the flow of water in any overland flow path.</p> <p><b>AO21</b> Filling and excavation for operational works is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties or downstream environments.</p>

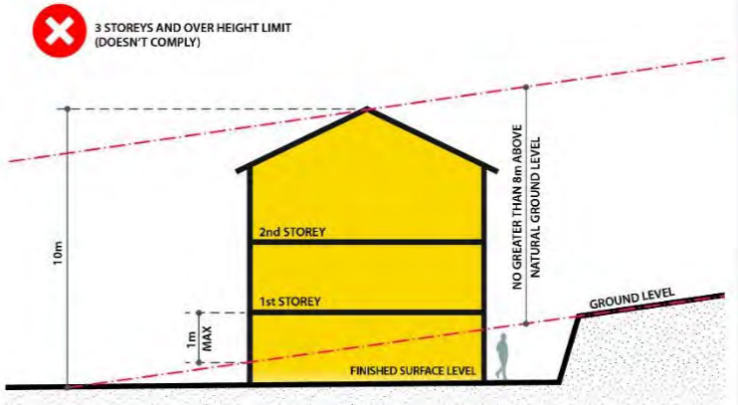
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	Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.		
35	<p>Part 6.3 Residential Zones Category Environment, heritage and scenic amenity Table 6.3.2.3</p> <p>PO19 AO19.2 Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.</p> <p>Environment and heritage Table 6.3.3.3 Criteria for assessment (part)</p>	<p><b>Action:</b> Clarify provisions as per the reasoning below.</p> <p><b>Reason:</b> This provision appears to be a flood/overland flow provision but it is located amongst other provisions to mitigate environmental impacts (transport of sediments, pollution etc). Please amend appropriately to clarify how this provision is relevant to environmental, heritage or scenic amenity. If intended as building provisions, it conflicts with the performance requirement contained in the NCC Volume 2 P 2.2.1.</p> <p>Please note that this provision reoccurs in throughout the planning scheme. Please address all as per above comment.</p>	<p>Changes have been made to clarify that the provisions relate to operational works for Earthworks and Drainage.</p>
36	<p>Part 6.3 Residential Zones Category</p> <p>Part 6.3 Safety and amenity Table 6.3.3.3 Criteria for assessment (part)</p> <p>PO14 AO14.4 Where windows, balconies, terraces, verandas or decks overlook or have the potential to overlook the private open space of nearby properties or view into habitable room windows within 10 metres—</p> <p>windows have a sill height of not less than 1.7m above finished floor level; windows and other openings are permanently screened to a minimum height of 1.7 metres to avoid overlooking; windows and doors use translucent glazing to obscure views; or windows or balconies are offset by 45 degrees or more.</p> <p>Editor's note—refer to figure AP31C AO14.5 Planter boxes, screens, pergolas, landscaping and architectural design of balconies are used to screen the ground floor private open space of dwellings from separate upper level dwellings. AO14.6 Permanently fixed external screening devices complement the building's external materials and finishes and may incorporate solid translucent screens, shutters, perforated panels or trellises which have a maximum of 50% openings. Editor's note—refer to figure AP31B</p>	<p><b>Action:</b> Include a note under AO14.4 and AO14.6 for the provision of sill height, glazing and openings to be made for amenity reasons but in consideration of the thermal performance requirements contained in the QDC MP 4.1 Sustainable Buildings as well as the energy efficiency requirements in the National Construction Code.</p> <p><b>Reason:</b> Refer NCC V2 Part 3.12 and Section J of Part 1.</p> <p>Please note that these requirements reoccur throughout the scheme (such as PO20/AO20 of Part 6.3) and these provisions will also need to be addressed in line with the above comment.</p>	<p>These provisions are about amenity (principally privacy but also access to natural light). It is not meant to address energy efficiency or thermal performance</p> <p>An editor's note has been added as suggested:</p> <p><i>Editor's note—Provisions for sill height, glazing, screening and window openings are to improve the residential amenity for occupants. Thermal performance requirements are contained in Queensland Development Code MP4.1 Sustainable Buildings. Energy efficiency requirements are contained in the National Construction Code.</i></p>
37	<p>Part 6.3 Residential Zones Category Part 6.3 Tourist Accommodation Zone Code Design Table 6.3.4.3 Criteria for assessment</p> <p>Streetscape PO14 AO14.4 Where floor levels are raised to accommodate flooding or projected sea level rise the building design must be designed to provide non-discriminatory access at the front of the development and engage with the footpath by having an external terrace within the front setback area that is set at an intermediate level between the footpath and the main ground floor that is suitable for outdoor trading, dining, seating or display of goods. An example is shown in Figure 6.3.4.5</p>	<p><b>Action:</b> Remove highlighted text in AO14.4.</p> <p><b>Reason:</b> Is this provision intended to apply to shopfronts or accommodation buildings (not residential homes)? If this is the case, a certifier will need to assess a raised floor level in line with the NCC Volume 1. Part D3 – Access for people with a disability outlines the relevant access requirements.</p>	<p>Offending words have been deleted</p>

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<p>38</p>	<p>Part 6.4 Centre Zones Category Part 6.4 Environment and heritage Table 6.4.2.3</p> <p>PO57 AO57.1 Cut or fill is less than 1.5 metres in depth relative to the ground level.</p> <p>AO57.2 Where there is a nominated building envelope on the lot, clearing of native vegetation and building works do not extend beyond the building envelope, except for the purposes of a driveway access.</p> <p>AO57.3 Development on a site adjoining a heritage site respects the cultural heritage significance of the site by mitigating any adverse impacts on the setting or integrity of the heritage.</p>	<p><b>Action:</b> Clarify to ensure provisions only apply to designated environment or heritage areas.</p> <p><b>Reason:</b> These provisions should only apply to designated environment or heritage areas otherwise the requirement will be in conflict with the NCC earthworks requirements (NCC Volume 2 Part 3.1.1 and the Structural Provisions in Part B1 of the NCC Volume 1).</p> <p><b>These provisions reoccur throughout the scheme. Please address all accordingly.</b></p>	<p><b>The AO for cut and fill of no more than 1.5 m has been deleted from the various centre zones where under the heading of Environment &amp; Heritage.</b></p> <p>The relevant AO in the remaining zones (Environment and Residential zones) has been changed to make it clear that the outcome is for landscape amenity reasons and not for meeting structural building design requirements that are already covered in the building regs.</p> <p><b>AO</b> <b>For landscape amenity reasons, cut or fill is less than 1.5 metres in depth relative to the ground level.</b></p>
<p>39</p>	<p>Part 6.4 Centre Zones Category Part 6.4 Mixed Use Development Table 6.4.3 Criteria for assessment (part) Vandalism PO43 AO43 Buildings or structures that are visible from a public street or laneway: 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; use toughened glass, security screens and other measures (but not including security shutters that obscure the view of shopfronts) are used in windows at ground level, to deter break and enters; and use hardy vandal proof materials and antigrffiti paint in the construction of buildings.</p>	<p><b>Action:</b> Amend to remove conflict with building legislation as per reasoning below.</p> <p><b>Reason:</b> While local governments may prescribe requirements for visual/character and some amenity matters, these provisions conflict with the building legislation. The NCC and QDC address requirements regarding the use of materials for considerations such as glazing and thermal construction (to enhance energy efficiency). Unless local government can qualify the requirements in (b) and (c), please remove. It is considered that it would be more appropriate to address vandalism via a more generalised list of performance outcomes and not specific building design requirements.</p> <p>Please note that these provisions regularly reoccur throughout the scheme. Please amend all accordingly.</p> <p>Refer QDC MP 4.1 and the NCC Volume 1 Part J.</p>	<p><b>Within Table 6.4.1.3 AO47 has been rewritten with:</b> <b>Buildings or structures that are visible and accessible from a public street or laneway:</b> <b>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;</b> <b>b) with windows at ground level use measures that deter break and enters without obscuring views to shopfronts; and</b> <b>c) are constructed to be vandal and graffiti proof.</b></p> <p>Also fixed in: Table 6.4.2.3 Table 6.4.3.3 Table 6.4.4.3 Table 6.5.1.3 Table 6.5.2.3 Table 6.6.1.3 Table 6.7.1.3 Table 6.8.1.3</p>
<p>40</p>	<p>Part 6.5 Industry Zones Category Part 6.5 Environment and Heritage Table 6.5.1.3 Benchmarks for assessable development PO41 AO41.2 If a DFE or DSFE is adopted, structures used for the manufacture or storage of hazardous material area: a) located above the DFE level; or b) designed to prevent the intrusion of floodwaters; or c) if a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of flood waters.</p> <p>Editor's Note— Refer to the Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements relating to the manufacture and storage of hazardous substances. Information is provided by Business Queensland on the requirements for storing and transporting hazardous chemical.</p> <p>Also reoccurs in PO33 and AO33 of Part 6.5.</p>	<p><b>Action:</b> Remove AO41.2 (b) which addresses building design; please refer section 13 of the Building Regulation 2006 for building matters a local government may prescribe to address flood. Clarify provisions as per reasoning below.</p> <p><b>Reason:</b> Regarding the highlighted part of the editor's note, which provisions under the Building Act does this refer to? Clarify that this isn't an error. Also on Page 30 of Part 8. Section 103(f) of the Building Act 1975 briefly mentions hazardous materials in relation to Certificate requirements but this is just included as an example:</p> <p>Building Act 1975: 103 Certificate requirements</p> <p>A certificate of classification must: (f) if the development uses alternative solutions—state the materials, systems, methods of building, management procedures, specifications and other things required under the alternative solutions. Examples of possible alternative solution requirements relating to materials— • a limitation on the use of finishes with fire hazard properties as defined under the BCA</p>	<p><b>These flood provisions have been deleted from the various zone tables.</b></p>

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		<ul style="list-style-type: none"> <li>• a prohibition on storing hazardous materials above a stated height</li> <li>• a limitation on storing or using stated materials</li> </ul> <p>Examples of possible alternative solution requirements relating</p> <p>Please note that this provision reoccurs throughout the scheme therefore please address all instances.</p>	
41	<p>Part 6.6 Recreation Zones Category Table 6.6.1.3 PO23 AO23</p> <p>Development incorporates design features and elements to manage resources of water and energy efficiently and effectively through:</p> <p>buildings that maximise opportunities for natural ventilation and lighting;</p> <p>water sensitive urban design allowing for the reuse or rainwater and storm water on the site;</p> <p>and</p> <p>on site generation of renewable energy.</p> <p>ALSO Part 6.7 PO12 and AO12</p>	<p><b>Action:</b> remove the highlighted provisions which address energy efficiency provisions covered by the scope of assessment criteria contained in the Building Assessment Provisions. Clarify what measures apply to AO23 (c).</p> <p><b>Reason:</b> Refer to the QDC MP 4.1 – Sustainable Buildings, Section J of the NCC Volume 1 and Part 3.12 of the NCC Volume 2.</p>	<p>We note Certifiers will use the energy rating computer system to satisfy the energy efficiency requirements in the NCC</p> <p>For the Recreation and Open Space Zone we would like to leave in a Performance outcome because the likelihood is that development would be done by the State, Council or a community group and we'd like it to be exemplary development. <b>For this reason the acceptable outcome has been deleted but we propose a Performance outcome that reads:</b></p> <p><b><i>“Development for the purpose of a community use or sport and recreation is located, designed and operated to be responsive to the sub-tropical climate and make the most of natural light, ventilation and on site rain water capture and reuse.”</i></b></p>
41B	<p>Part 6.7 Environmental Zones Category Table 6.7.1.3 Height and Scale</p> <p>PO7 AO7.1</p> <p>Buildings and structures are no more than 4 metres in building height from the ground level and no more than 4 metres above the finished surface level.</p>	<p><b>Action:</b> Clarify provisions and ensure no conflict with building legislation – see reasoning below.</p> <p><b>Reason:</b> Is the provision in AO7.1 intended to be an and or for building height being either 4 metres above the ground level or 4 metres above the finished surface level? <b>If the building must be no more than 4 metres in height from ground level, how could it be less than 4 metres from surface/finished floor level?</b> Please clarify the provision to avoid confusion. Please also ensure there is no conflict with requirements under s13 of the Building Regulation 2006 and the QDC MP 3.5 regarding finished floor levels to address flood hazard</p> <p>Please note that this wording with regard to height from ground level and surface level reoccurs throughout the scheme and all other instances will need to be addressed accordingly.</p> <p><b>BLP FURTHER COMMENTS:</b> Please ensure your decision is informed by established terms in legislation: Building Regulation 2006: natural ground surface, for a building, device or structure, means the ground surface located at site of the building or structure on the day the first plan of survey showing the relevant allotment was first registered.</p>	<p>There are implications regarding flooding - Where filling of the site is required to meet flood immunity, the maximum building height is not measured from the finished surface level, it is measured from natural ground level.</p> <p>A development's building height is measured from both the ground level and the finished surface level, the building height is whichever height is the greater. Furthermore, "Finished surface level" is listed in the administrative definitions for reader clarity as <b><i>“the level of ground specified in a current development permit”</i></b>.</p> <p>Historically, if for example the building is in a flood hazard area a relaxation to the 4m building height may be considered. Further if backfilling did not occur around a basement garage the finished surface level would be lower than the natural ground level. The diagram below gives an example of how height is measured.</p> 
42	<p>Schedule 1 Definitions</p> <p>Probable maximum flood (PMF): probable maximum flood (PMF) means the largest flood that could reasonably occur at a particular location, resulting from the probable maximum precipitation. The probable maximum flood defines the extent of flood prone land. Generally, it is not physically or financially possible to provide general protection against this event.</p> <p>PMF (as above)</p>	<p><b>Advice:</b> Consider removing reference to PMF as this is not an established method for determining flood risks under the National Flood Standard or the QDC MP 3.5.</p> <p><b>ADDITIONAL ADVICE:-</b> BLP considers the use of this terminology will cause confusion with the Flood Code and QDC. BLP wondered if the terminology could be changed to make it clear that it applies to evacuation routes/refuge areas? The National Flood Code refers to annual probabilities of exceedance.</p>	<p>The Queensland Flood Commission of Inquiry from the 2011 Brisbane Floods emphasised the importance of planning for flooding risk beyond the standard 1%AEP event (1 in 100 year event). The reference to PMF relates to providing areas of safe refuge for new communities that may otherwise be isolated in an extreme event. This is considered appropriate for the remaining developable flood affect areas in Noosa Shire.</p> <p><b>With the exception of the definition, the only place this phrase is used is in the Flood Hazard Overlay and it has been clarified it is only relevant to reconfiguring a lot.</b></p> <p><b>The definitions themselves have not been changed.</b></p> <p><b>BLP:</b> <b>PMF may be used as a term for ROL only</b></p> <p>No further action required.</p>

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		DSMDIP notes that it appears the only reference to PMF is for determining evacuation routes and congregation and refuge areas for development.	
State Interest: <i>Mineral Resources Act 1989</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
43	Strategic Framework	<p><b>Action:</b> Include a section in the strategic framework which indicates that mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases can be found at Mines Online Map. Refer to the Department of Natural Resources, Mines and Energy's Mines Online Maps for information on mines and mineral occurrences.</p> <p><b>Reason:</b> Section 4B of the <i>Mineral Resources Act 1989</i> requires planning schemes to notate the location of mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases.</p>	<p><b>Have added the following Editor's Note within the section on Extractive Industries within 3.2.</b>  <i>Mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases can be found at the Department of Natural Resources, Mines and Energy's Mines Online Map.</i></p>

### Part C—Advice

#### The guiding principles

Efficient			
Ref. Number	Planning scheme reference	Advice	NSC response
1	3.2.2 - Accessible, diverse and affordable communities	<p>Strategic Framework (section <b>Accessible, diverse and affordable communities</b>) refers to 'Local Area Plan Codes'. Suggest this is meant to be 'Local Plan Codes'.</p> <p><b>Reason:</b> The term 'Local Area Plan Codes' do not appear to exist under the scheme other than in the Strategic Framework; remainder of the scheme refers to Local Plan Codes.</p>	Noted. Replaced terms
2	Part 5	<p>Explain what is meant by impact assessment - inconsistent use.</p> <p><b>Reason:</b> There could be confusion as to what level of assessment there is for a use as opposed to whether the planning scheme considers a use to be consistent or inconsistent.</p>	Don't believe there is confusion. No change

#### Planning for economic growth

Agriculture			
Ref. Number	Planning scheme reference	Advice	NSC response
3	Part 3 – Strategic Framework, Part 3.2.2 – a well managed and sustainable Noosa Shire, Second last paragraph above “Key Challenges”	<p>Remove reference to “intensive factory farming”, and replace with intensive rural activities.</p> <p><b>Reason:</b> Ensure consistency with use terms defined under the Planning Regulation 2017, and to remove emotive language.</p>	<p><b>Sentence now reads as “Any form of development that has the potential to adversely impact on surrounding natural resources and environmental values will not be supported unless it can be located and designed to avoid environmental harm or nuisance.”</b></p>
4	Part 3 – Strategic Framework, Section 3.3.1 Settlement Part (b)	<p>Remove reference to good quality agricultural land (GQAL) and replace it with ALC Class A/B land or include the term as an administrative definition and define what land is considered GQAL, i.e. ALC Class A, B and C land/ALC Class A/B land and Important Agricultural Areas etc</p> <p><b>Reason:</b> Good Quality Agricultural Land has been replaced as a definition by ALC Class A and B land.</p> <p>DAF is simply seeking clarification so that users know what has been mapped. There is no longer any such thing as GQAL, therefore whatever term is used should be defined</p>	<p>Council are not going to use ALC Class A and B because that does not reflect what we have mapped as our Agricultural Lands.</p> <p><b>In 3.3.1 we've changed to the phrase "quality farming land"</b></p> <p><b>In Rural Activities Code for aquaculture we've changed reference at PO18 to "agricultural land"</b></p>
5	Part 3 – Strategic Framework Section 3.3.5 Economy and employment	<p>Clarify if it is indeed Important Agricultural Areas (as per SPP mapping) that are referred to in Part (u) and is there an Agricultural Land Map in Schedule 2 as suggested?</p>	<p><b>Mapping change done</b></p>

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	Part (u)	<p>Additionally, please clarify if the Strategic Framework Map 2, Economy and Employment should include Agricultural Land Conservation Area mapping – says “pending” on the map itself.</p> <p><b>Reason:</b> Part (u) refers to Important Agricultural Areas (IAAs) and it’s unclear if this refers to IAAs as mapped on the DSDMIP interactive mapping or Agricultural Land Conservation Area as mapped in the Agricultural land overlay.</p>	
6	Part 5 Tables of assessment Rural Zone Code Rural Activities Code	<p>The council may wish to consider that dust, odour and other emissions or contaminants generated from an appropriately managed <b>intensive horticulture</b> or wholesale nursery may be of a level lower than that of an equivalent non-intensive operation.</p> <p>It’s noted that the council recognises that visual amenity may be protected by soft landscaping / screening in certain situations.</p> <p>Soft landscaping is supported as a solution to reducing setbacks and there is value in its use to allow coexistence between potentially conflicting land uses, especially when the conflict is related to perceived issues with visual amenity.</p> <p><b>Reason:</b> There is concern that the planning scheme is explicitly unresponsive of intensive agricultural activities without considering many of the benefits of intensive operations. Intensive agricultural operations often produce high value product, take up less land, are closer to markets, require less chemicals and produce less nuisance impacts than non-intensive rural uses. This differs depending on what is being produced and intensive rural activities can pose other impacts that need to be managed, however this is possible and consequently the use should be offered more support in the planning scheme.</p>	<p><b>Have made some adjustments to treat all cropping and intensive horticulture the same in the Rural Activities code and put the onus back on the component activities such as chemical spray, fertilisers etc.</b></p>
7	Part 6.7 Environmental Management and Conservation Zone Code Table 6.7.1.3 PO 5	<p>Amend PO5 to read: Development maintains the primary function of the zone and protects ecologically important areas, water catchments, <b>waterway connectivity, marine plants</b>, beach protection and coastal management areas and land with historical or cultural values.</p> <p><b>Reason:</b> Recognition is needed of the connectedness of habitats by and along waterways – SPP – biodiversity policy 4.</p>	<p><b>Additional wording added</b></p>
8	Part 6.8 Other Zone Categories Rural Zone Code Table 6.8.3.3 PO11 Part 7 Local Plans Table 7.2.1.3 (PO14 & PO15) Table 7.2.2.3 (PO21 & PO22) Table 7.2.3.3 (PO26 & PO27) Table 7.2.4.3 (PO31 & PO32) Table 7.2.5.3 (PO26 & PO27) Table 7.2.6.3 (PO20 & PO21) Part 8 Table 8.2.2.3 (PO1, PO5, PO6) Part 9 Development Codes Table 9.3.11.3 (PO13) Table 9.3.13.3 (PO9 & PO20) Table 9.4.8.3 (PO12) Table 9.4.9.3 (PO11) Table 9.4.10.3 (PO7)	<p>Consider adding an additional point to the identified PO’s or overall outcomes section where relevant</p> <ul style="list-style-type: none"> <li>Maintain or enhance fish passage.</li> </ul> <p><b>Reason:</b> Contributes to avoiding adverse impacts on MSES.</p>	<p><b>Additional wording added to reference wildlife connectivity and fish passage</b></p> <p>For example PO11 of Table 6.8.3.3. says: <i>Development does not have a significant adverse impact on the natural values of the site including through:</i></p> <p>a) <i>loss of biodiversity values, fauna habitat and fish passage;...</i></p> <p>In the local Area Plans wording has been amended to: <i>Development maintains and protects an integrated open space network throughout the locality to—</i></p> <p>a).. b).. c) <i>provide habitat connectivity for wildlife and fish passage;</i></p> <p>Fish Passage is also referenced in both the overall outcomes and the performance outcomes of the Water Quality and Drainage.</p>
9	8.2.2 Biodiversity, Waterways and Wetlands Overlay Code Zone MAP: ZM-2 Zone MAP: ZM-4 Zone MAP: ZM-5 Zone Map: ZM-11 Zone Map: ZM-12 Zone Map: ZM-13	<p>Include the Noosa River declared FHA (A) and Noosa River declared FHA (B) in the mapping of environmental values (and on all other relevant mapping). Note the constraints of FHA management on development. The requirements from the State perspective for accepted development in this area is described in <a href="https://www.npsr.qld.gov.au/managing/pdf/accepted-development-requirements.pdf">https://www.npsr.qld.gov.au/managing/pdf/accepted-development-requirements.pdf</a> <i>Accepted development requirements for operational work that is completely or partly within a declared Fish Habitat Area.</i></p> <p><b>Reason:</b> The mapping does not recognise the Noosa River declared Fish Habitat Area. As MSES, this should be included and considered in the documents. The FHA protects fishery resources. The recognition of it as an environmental value and as an area requiring special consideration during development is important.</p>	<p><b>We have included the Fish Habitats on the Biodiversity Overlay Maps</b></p>
10	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Environmental Management; AO10.2 and AO10.3	<p>Consider rewording or removing these acceptable outcomes.</p> <p><b>Reason:</b> On site reuse of waste as soil conditioners and fertiliser and composting of waste are appropriate ways of managing waste generated by the activity and can be managed in way that complies with performance outcome PO10.</p>	<p>The offending AOs were that <i>The reuse of waste litter, manure and other organics as soil conditioners or fertilizers is not undertaken on-site; and that Composting activities are not undertaken on-site.</i></p> <p><b>We have removed these from the Rural Activities Code and put them in the Regional Infrastructure Overlay Code which is where the water supply catchments are addressed.</b></p>



## Noosa Council Responses to State Interest Review comments 21 September 2018

			<b>As discussed agricultural uses will be assessable against this code where within the water supply catchment.</b>
11	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Animal Husbandry; AO12.3, AO12.4, AO12.5 and AO12.6	<p>Remove these acceptable outcomes.</p> <p><b>Reason:</b> The acceptable outcomes relate to pig keeping and poultry farming which are an intensive animal industry not animal husbandry, as defined in the use definitions in schedule 1.</p> <p>These acceptable outcomes also place unrealistic restrictions on intensive animal industry development in the rural zone.</p>	Refer previous discussion. There has been significant re-drafting within the Rural Activities Code and it is considered the provisions will work regardless of the use interpretation.
12	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Animal Husbandry; AO13.2	<p>Remove this acceptable outcome (AO13.2).</p> <p><b>Reason:</b> It does not relate to or demonstrate compliance with performance outcome PO13.</p>	Fair comment operational rather than separation issue – it's deleted.
13	Part 9 Development codes Aquaculture Table 9.3.13.3 AO18.2	<p>Amend AO18.2 to read, for example, '<i>Upon cessation of aquaculture production the soil profile within the <del>aquaculture development</del> developed area is rehabilitated, as close as practical, to predevelopment conditions.</i>'</p> <p><b>Reason:</b> The Queensland Government is currently in the process of identifying 'Aquaculture Development Areas' (ADAs) in Queensland. It is proposed to recognise ADAs in the SPP. To avoid confusion where ADAs have or have not been identified, it is recommended that another term be used rather than 'aquaculture development area'.</p>	OK change made
14	Biodiversity Overlay	<p>The planning scheme could note that the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i> allow for native forest timber production authorised under the <i>Forestry Act 1959</i> and the <i>Vegetation Management Act 1999</i> to generally be conducted without being subject to the provisions of a planning scheme. Additionally, operational work authorised by the <i>Forestry Act 1959</i> for removing quarry material cannot be made accessible development.</p> <p><b>Reason:</b> The <i>Forestry Act 1959</i> provides the authority for the State to sell forest products and quarry material from forest tenures, applicable Crown holdings and some freehold land.</p> <p>Forest tenures are State forests, timber reserves, forest entitlement areas and forest consent areas. Applicable Crown holdings are parcels of State land leased under the <i>Land Act 1994</i> (e.g. grazing leases such as pastoral holdings, grazing homestead perpetual leases, term leases, etc.). Freehold tenure with forest products and quarry material belonging to the State is that recently converted from leasehold with forest consent areas (mentioned above) and/or an issued deed of grant for the State's continued ownership or reservation of quarry material.</p> <p>Continued access to State-owned log timber, forest products or quarry material on these tenures or areas is required for the State to meet contracted obligations under long term supply agreements, to help meet local and regional demand and to help underpin regional infrastructure development and maintenance.</p> <p>The <i>Forestry Act 1959</i> is administered by the Department of Agriculture and Fisheries.</p> <p>The <i>Vegetation Management Act 1999</i> allows for native forest timber production on freehold land. Continued access to log timber on freehold is required to help meet local and regional demand and to help underpin regional infrastructure development and maintenance.</p> <p>Native forest harvesting authorised under the <i>Forestry Act 1959</i> maintains environmental and heritage values through adherence to codes of practice and other instruments, and is certified under the Sustainable Forest Management (AS 4708) standard.</p> <p>Native forest harvesting authorised under the <i>Vegetation Management Act 1999</i> maintains environmental and heritage values through adherence to the <i>Managing a native forest practice: a self-assessable vegetation clearing code</i>.</p>	Added an Editor's note above Table 8.2.2.3 regarding forestry
15	Agricultural Land Overlay, Agricultural Conservation Areas	<p>The mapping of Agricultural Conservation Land is generally satisfactory (apart from the issues raised in Part A), there is some concern that this mapping is very different to the ALC Class A and B mapping on the SPP interactive mapping system, and given that it doesn't just represent ALC Class A/B land, there is no way for the custodian (Department of Environment and Science) of the ALC Class A/B land data to amend the SPP mapping.</p>	<p>The SPP guidelines specifically allows a Local Government to locally refine state mapping, which Council has done. DAF was well informed of us doing this at the time. The only instances where ALC Class A&amp;B mapping was removed was where it conflicted with other State mapping that made it a nonsense (such as SEQ Regional Plan Urban Footprint, protected remnant veg or water catchment). C class lands were added into the</p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

		<p><b>Reason:</b> This may cause uncertainty for proponents due to consistency issues.</p>	<p>mapping because pasture fed protein has considerable potential to contribute to rural economies within Noosa Shire. Nowhere in the scheme is ALC Class A and B referred to so we do not believe it will cause confusion.</p> <p>Note that ALCA has been reinstated where it overlapped with the water catchment.</p> <p><b><u>On 12 September 2018 Council received a letter from Soil and Land Resources of Department of Environment and Science advising changes were being made to the Agricultural Land Classification (ALC) mapping that informs the State Planning Policy (SPP). Over the ensuing days our GIS officer has been in communication with the Soils team to ascertain how to access the correct layers however time has not allowed for the recreation of our Agricultural Land Conservation Area (ALCA) as it appears on the Strategic Framework Economy &amp; Employment Map and on the Agricultural Land Overlay Maps.</u></b></p> <p><b><u>Council will rerun the ALCA mapping over the course of the next week and provide updates to the above maps once available. We would not anticipate State Interest concern with this process.</u></b></p>
Development and construction			
Ref. Number	Planning scheme reference	Advice	NSC response
16	Infill in Coastal Communities Zone map - Map Code: ZM-14 B (South).	<p>The council agree to be the trustee of reserves for the purpose of buffer, for the following land parcels;</p> <ul style="list-style-type: none"> <li>• lot 3 MCH842013</li> <li>• lot 1 AP8130</li> <li>• lot 1 AP8129</li> <li>• lot 10 MCH5425</li> <li>• lot 8 SP104270</li> <li>• lot 1 AP8132</li> <li>• lot 9 MCH842018</li> <li>• lot 1 AP8133</li> </ul> <p><b>Reason:</b> Department of Natural Resources, Mines and Energy currently maintains the Unallocated State Land for fire buffer protection for the neighbouring residential community. With the planning scheme seeking to have more people living in this area via infill, there will be an increase in pressure on the area for management of the fire buffer. As the council has control of the rate and distribution of infill development in this area, it is considered that the buffer is most appropriately managed by the council to ensure the maintenance program aligns with community expectations. Please contact the Department of Natural Resources, Mines and Enregy to discuss this matter further: Andrew McLaughlin, Senior Natural Resource Management Officer, Planning Services on 5352 4236.</p>	<p>This is not a planning scheme matter and is being considered separately by Council's Property and Environmental services Sections.</p>
Mining and extractive resources			
Ref. Number	Planning scheme reference	Advice	NSC response
17	Strategic Framework and all other relevant sections	<p>It is noted that at the State Agency briefing for the proposed planning scheme, the council requested guidance on whether a planning scheme could include a position on the matter of coal seam gas extraction within the Noosa Shire.</p> <p>The approval process for exploration and development of coal, mineral, petroleum and gas resources is governed and decided by the State in accordance with the State's resources legislation. These proposals are not assessed against the local government's planning scheme.</p> <p>A local government planning scheme cannot regulate resource activities carried out on resource tenure and is not intended to consider exploration activities. However, local governments should seek to understand and consider the mineral, coal, petroleum and gas resources within or affecting their local area including current and proposed development of those resource activities.</p>	<p>As of June 2018: "Noosa Council does not support any further applications for permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire based on Council's significant concerns regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle".</p> <p>Noosa Council acknowledges that coal, mineral petroleum and gas including coal seam gas resources are the property of the Queensland State Government and approval processes for the exploration and mining of these resources is governed by the State Government in accordance with its resources legislation</p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

		<p>Where applicable, local governments should seek to include measures that minimise conflicts between resource development or activities and land uses regulated under the planning scheme. This requires considering the likely impacts and interrelationships resource development may have on factors the planning scheme regulates (such as demand for housing, service industry development and out of sequence infrastructure requirements).</p> <p>A particular position about coal seam gas extraction, if included in the scheme, could lead to the perception that Coal Seam Gas (CSG) would be prohibited in the Noosa Shire, whereas the <i>Regional Planning Interest Act 2014</i> provides the head of power for State-determined regional interests to be considered when assessing CSG proposals.</p> <p>Note: CSG is unlikely to be located within the Noosa Local Government Area.</p>	<p>Minerals Resources Act 1989, Mineral Resources Regulation 2013 and Petroleum and Gas Act 2004.</p> <p>However under the State's Regional Planning Interests (RPI) Act 2014, areas of regional interest are identified. All of the Noosa Shire is within an area of Regional interest known as a Priority Living Area (PLA). A Priority Living Area is an area that includes existing settled areas for living and is primarily protected for these purposes. Importantly the RPI Act generally restricts the carrying out of resource activities in Priority Living Areas. This Act also requires that, should an application for a resource activity such as a mining lease application be made to the State, it must be referred to the Council as an 'Assessing Agency'.</p> <p>Council has considered its position with regard to further permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire and within the context of its role as an Assessing Agency under the RPI Act 2014 does not support further permits for coal or coal seam gas exploration or mining based on Council's significant concerns regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle, and its designation as a Priority Living Area.</p> <p>A statement reflecting this policy has been added to the Strategic Framework as such:  <b>"Applications for permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire are not supported based on significant concerns from council and the community regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle."</b></p>
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### Planning for the environment and heritage

Biodiversity			
Ref. Number	Planning scheme reference	Advice	NSC response
18	Biodiversity, Waterways and Wetlands Overlay	<p>Confirm the proposed Biodiversity, Waterways and Wetlands overlay map has integrated the mapping for MSES – legally secured offsets under the <i>Environmental Offsets Act 2014</i> and the MSES - regulated vegetation (in particular R and C on the regulated vegetation management map (RVMM)) in accordance with the SPP requirements.</p> <p><b>Reason:</b> It has been identified that there are areas of the SPP Mapping for MSES – Regulated vegetation (Category C and R areas) that are not reflected in the 'Area of Biodiversity Significance' layer found in the council's proposed Biodiversity, Waterways and Wetlands overlay map. Also, Category A areas under the <i>Vegetation Management Act 1999</i> are generally associated with Offsets under the <i>Environmental Offsets Act</i> and are therefore MSES, and need to be reflected (as mapped on the RVMM) within the overlay.</p> <p>As detailed in the SPP, Category R areas and Category C areas can be locally refined by Local Government (subject to approval by the Planning Minister). Category R vegetation is significant for maintaining water quality within Great Barrier Reef catchments, Category R vegetation exists in the western part the Noosa Shire within the Mary River catchment. Section 5.1.1 of the Biodiversity Assessment Report provided by the council indicates that riparian vegetation was considered as a factor when scoring the biodiversity value of vegetation, however it is not known whether any additional weighting was applied to Category R riparian vegetation within Great Barrier Reef catchments (i.e. the Mary River catchment).</p> <p>Note: some of these mapping issues may be associated with the significant changes to the RVMM that occurred with the passing of the <i>Vegetation Management and Other Legislation Bill 2018</i></p>	MSES now integrated
19	Biodiversity, Waterways and Wetlands Overlay and zone maps	Ensure that any protected areas (eg under the <i>Nature Conservation Act 1992</i> ), and future/proposed areas are incorporated into the overlay, and zoned consistently with other protected areas.	The Biodiversity Overlay maps significant vegetation by RE and is 'tenure blind'. It does not map vegetation for its protected area status. The zoning map however, does zone all the protected area estate 'Environment Management and Conservation' to help support the protection of environmental values in these areas.

## Noosa Council Responses to State Interest Review comments 21 September 2018

Water quality			
Ref. Number	Planning scheme reference	Advice	NSC response
20	Acid Sulfate Soils Overlay Code	<p>The Qld Sampling Guidelines and Laboratory methods guidelines will shortly be replaced with the following documents;</p> <ul style="list-style-type: none"> <li><i>Sullivan et al, 2018, National acid sulfate soils guidance: National acid sulfate soils sampling and identification methods manual, Department of Agriculture and Water Resources, Canberra, ACT</i></li> <li><i>Sullivan et al, 2018, National acid sulfate soils guidance: National acid sulfate soils identification and laboratory methods manual, Department of Agriculture and Water Resources, Canberra, ACT; and the Australian Standard 4969</i></li> </ul> <p>These documents should be released later in July 2018. They will be available from the Water Quality Australia web site. It is recommended that the ASS Overlay code acknowledge the National Acid Sulfate Soils Guidance.</p>	References have been replaced

### Planning for infrastructure

Energy and water supply			
Ref. Number	Planning scheme reference	Advice	NSC response
21	--	<p>Noosa Shire Council should inform Seqwater of the planned demand growth in the area. This will allow Seqwater to integrate new growth forecasts with its infrastructure planning programs.</p> <p><b>Reason:</b> This is important given the water supply constraints that exist in northern SEQ for its standing Level of Service arrangements.</p>	<b>Noosa Council has no opposition to Seqwater accessing the demand modelling UnityWater has prepared for us.</b>

State transport infrastructure			
Ref. Number	Planning scheme reference	Advice	NSC response
22	9.4.8.2 Purpose and Overall Outcomes – Transport Code	<p>Include an additional purpose in the Transport Code similar to outcome (e) that supports freight. This would be similar or the same as the following, <i>'Development provides a road hierarchy that supports effective freight connectivity.'</i></p> <p><b>Reason:</b> The scheme contains limited references and outcomes related to freight/goods links that support growth in local communities.</p> <p>Ensuring communities can grow requires provision of suitable freight links as well as freight distribution sites within those communities. The ability to move freight as, when and where required is paramount to industries including tourism that usually operate under JIT (Just in Time) delivery models. There is also shift toward greater volumes of small-package freight due to on-line purchasing activities.</p> <p>It is also relevant to consider freight links that are 'Life Line' routes to these communities – that is, those that link the community in times of emergency (cyclone, fire). Aside from emergency services access, communities require freight access to replenish stock and provide emergency rations, etc.</p>	<p>The Multi-Combination Routes in Queensland Map really just shows the Bruce highway so not considered particularly useful.</p> <p>The following statements are in the Strategic Framework:</p> <p>Under Regional Context:  <b><i>The Bruce Highway and North Coast Railway serve as the main transport access to Brisbane and serve an important function for the movement of freight. An improved railway network would enhance access to Brisbane for Noosa -based commuters, residents and visitors.</i></b></p> <p>Under Strategic Outcomes for Transport and Movement:  <b><i>The role the highway and arterial roads serve in the movement of freight is protected with sensitive land uses avoided or buffered along these routes.</i></b></p> <p>The following overall outcome has been added to the Transport Code:  <b><i>Development does not adversely impact on the role of the major road network, particularly the Highway, in the efficient movement of freight through the Shire.</i></b></p>
23	Infrastructure and services Table 9.5.1.3 Criteria for assessable development (part) – A013.2	<p>Include an editor's note that advises scheme users to view the DSDMIP Development Assessment Mapping System to determine what is a limited-access road and what is a state-controlled road.</p> <p><b>Reason:</b> The scheme does not currently identify what is a limited-access road or state-controlled road. This note would increase the useability of the planning scheme.</p>	<b>We've added an Editor's note below these AO's to read:</b> <b><i>Reference should be made to the Queensland Government's Development Assessment Mapping System to confirm which are state-controlled roads or limited access roads.</i></b>
24	Part 9 – Table 9.4.1.3	<p>Refer to Cycling Aspects of Austroads Guides (AP-G88-14) instead of the AUSTRROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10.</p> <p><b>Reason:</b> Table 9.4.1.3 refers to the Austroads Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10, which has been superseded by the Cycling Aspects of Austroads Guides (AP-G88-14), Guide to Road Design</p>	<b>References have been replaced in the scheme and PSP.</b>

**Noosa Council Responses to State Interest Review comments 21 September 2018**

		Part 4: Intersections and Crossings – General (AGRD04-09), Guide to Road Design Part 6A: Pedestrian and Cyclist Paths (AGRD06A-09), plus other various parts of Guide to Road Design and Guide to Traffic Management.	
25	Schedule 6 Planning scheme policies	It is recommended that the planning scheme policies reflect that the Department of Transport and Main Roads performance and design standards apply where development is located on a state transport corridor.  <b>Reason:</b> To ensure that development in areas surrounding the state transport network does not adversely impact upon the safety and efficiency of the state transport network.	Noted
26	Queensland Policy Services	QPS recommends a detailed Traffic Management Plan to be developed to decrease the use of vehicles in the business centre by creating suitable bypasses and alternate transport routes. Consideration could be given to closing some shore-front streets to all motor vehicles, particularly at particularly times.  Creating more capacity on the road network and more car parking spaces in key destinations can attract more people than the destinations can reasonably accommodate. Reduce the interaction between pedestrians and motor vehicles (Road Safety).	Noted – will not be resolved through the scheme

RTI RELEASE - DSDMIP

Officer Name: Rowena Skinner  
Officer Email: [rowena.skinner@noosa.qld.gov.au](mailto:rowena.skinner@noosa.qld.gov.au)  
Phone No: 07 5329 6212  
Our Ref: Project and Contracts PSR04  
Planning Scheme Review  
State Interest Review

21 September 2018

Ms Rachel Hunter  
Director-General  
Department of State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Ms Hunter

**RE: PROPOSED PLANNING SCHEME FOR NOOSA SHIRE**

Reference is made to our correspondence of 31 May, submitting a draft planning scheme, and to a subsequent request for further information issued by DSDMIP Planning and Development Services (SEQ North) on 9 July.

I'm pleased to advise that we have responded to all the comments raised by the State Agencies, as provided to Council to date, and consider each matter to be resolved. As such we are confident that the draft scheme as amended now meets State Interests.

Attached is a document that outlines how we have responded to each individual comment. It reflects resolved solutions that have been reached through conversation with each State agency, as well as Planning and Development Services.

An amended version of the draft scheme, including all mapping, is provided electronically to your Department through the Plan Making Portal. This is now accompanied by the draft Local Government Infrastructure Plan, which is also ready for State review.

An electronic version is also being given directly to the Principal Planning Officer of Planning and Development Services (SEQ North).

Council is optimistic that we will have the draft scheme out for community consultation by the beginning of November. We therefore look forward to receiving your approval to consult our community on this plan.

Should you have any enquiries in relation to the proposed planning scheme please contact Rowena Skinner on ph. 07 5329 6212 or email [rowena.skinner@noosa.qld.gov.au](mailto:rowena.skinner@noosa.qld.gov.au).

Yours sincerely

Kim Rawlings  
DIRECTOR ENVIRONMENT & SUSTAINABLE DEVELOPMENT

**From:** [Caroline Plank](#)  
**To:** ["judith.quirk@communities.qld.gov.au"](#); ["jsb.correspondence@det.qld.gov.au"](#);  
["CAS\\_Correspondence@health.qld.gov.au"](#); ["environmentalhazards@health.qld.gov.au"](#);  
["bcqstateinterest@hpw.qld.gov.au"](#); ["OGAO.oed@hpw.qld.gov.au"](#); ["SPP@dilgp.qld.gov.au"](#); [Infrastructure Policy; Natural Hazards; EDQ; "planning@npsr.qld.gov.au"](#);  
["parksandforestseisassessments@npsr.qld.gov.au"](#); ["Planning&Performance@police.qld.gov.au"](#);  
["ministerial.designations@psba.qld.gov.au"](#); ["sdainfo@coordinatorgeneral.qld.gov.au"](#);  
["depea@dsiti.qld.gov.au"](#); ["planningschemes@tmr.qld.gov.au"](#); ["PlanningPolicy@tmr.qld.gov.au"](#);  
["DAFFPlanning@daff.qld.gov.au"](#); ["cultural.heritage@datsip.qld.gov.au"](#); ["DEWSEPlan@dews.qld.gov.au"](#);  
["planning.support@ehp.qld.gov.au"](#); ["DPCPlanning@premiers.qld.gov.au"](#); ["hicb@oir.qld.gov.au"](#);  
["TownPlanning@energex.com.au"](#); ["townplanning@powerlink.com.au"](#); ["wettropics@wtma.qld.gov.au"](#);  
["dsrgidep.executivesupport@defence.gov.au"](#); ["PlanningServicesSouth@dnrm.qld.gov.au"](#);  
["policycoordination@dsd.qld.gov.au"](#); ["DTESB.Planning@dtesb.qld.gov.au"](#);  
["HSCATownPlanning@hpw.qld.gov.au"](#); ["SEQRegionalPlan@dilgp.qld.gov.au"](#);  
["chris.teitzel@unitywater.com"](#); ["FOGARTY Chris \(Energex\)"](#); ["YOUNG Gary"](#); ["Correspondence\\_ISB"](#);  
["NAIKER UtkatuBob"](#); ["HILL Jeremy"](#); ["ROBERTSON, Brett"](#); ["Planning Support"](#); ["Glanvill, Rob CAPT - RAN"](#);  
["Grant Hastie"](#); ["BAXTER, Dave"](#); ["DUNCAN, Bruce"](#); ["DAF Planning"](#); ["LEO Daniel"](#); ["Candace Mitchell"](#);  
["Thomas V Rowland"](#); ["Darryl R Kong"](#); ["Lena M Hobson"](#); ["PEARSON Scott \(EnergyO\)"](#); ["Sarah Doring"](#);  
["glen.glanvill@defence.gov.au"](#); ["andrew.rutch@datsip.qld.gov.au"](#); ["HHS HPC Town Planning"](#); ["John Schiavo"](#); ["FOGARTY Chris \(EnergyO\)"](#)  
**Subject:** State agency review - Noosa planning scheme - revised documents  
**Date:** Friday, 5 October 2018 1:10:00 PM  
**Attachments:** [Noosa Council Final Response to State Interest Review Comments.docx](#)  
[image001.png](#)  
[image003.png](#)  
[image004.png](#)

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Hello State Agencies

You have previously been requested to participate in a state interest review (SIR) on the new Noosa Plan.

The council has revised the planning scheme, with changes in response to the SIR. This has been uploaded to the plan making portal. The new version is dated 28 September 2018 (please ignore the versions uploaded which are dated 21/9/18 as these don't show the changes adequately). Also uploaded is a table summarising the changes in response to the SIR - dated 21 September 2018.

I have uploaded (and also attached to this email) a word version of the council's response to the SIR - you can use this to add your comments - in the last column, add your comments underneath Noosa Council's response - use a different colour or a clear heading so I can easily recognise your comments from Noosa Council's.

Please provide your comments by 5pm Friday 12 October 2018. Please contact me if you are unable to meet this timeframe.

You can use the plan making portal to upload your document with comments, or you can email it to me.

Regards

Caroline Plank  
Principal Planning Officer  
**Planning and Development Services (SEQ North)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  
P 07 5352 9709  
12 First Avenue, Maroochydore  
[www.dsdmip.qld.gov.au](#)

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**From:** Caroline Plank

**Sent:** Friday, 8 June 2018 5:27 PM

**To:** judith.quirk@communities.qld.gov.au; isb.correspondence@det.qld.gov.au; CAS\_Correspondence@health.qld.gov.au; environmentalhazards@health.qld.gov.au; bcqstateinterest@hpw.qld.gov.au; QGAO.oed@hpw.qld.gov.au; SPP@dilgp.qld.gov.au; Infrastructure Policy <InfrastructurePolicy@dsmip.qld.gov.au>; Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; EDQ <EDQ@dsmip.qld.gov.au>; planning@npsr.qld.gov.au; parksandforestseisassessments@npsr.qld.gov.au; Planning&Performance@police.qld.gov.au; ministerial.designations@psba.qld.gov.au; sdainfo@coordinatorgeneral.qld.gov.au; depea@dsiti.qld.gov.au; planningschemes@tmr.qld.gov.au; PlanningPolicy@tmr.qld.gov.au; DAFFPlanning@daff.qld.gov.au; cultural.heritage@datsip.qld.gov.au; DEWSEPlan@dews.qld.gov.au; planning.support@ehp.qld.gov.au; DPCPlanning@premiers.qld.gov.au; hicb@oir.qld.gov.au; TownPlanning@energex.com.au; townplanning@powerlink.com.au; wettropics@wtma.qld.gov.au; dsrgidep.executivesupport@defence.gov.au; PlanningServicesSouth@dnrm.qld.gov.au; policycoordination@dsd.qld.gov.au; DTESB.Planning@dtesb.qld.gov.au; HSCATownPlanning@hpw.qld.gov.au; SEQRegionalPlan@dilgp.qld.gov.au; chris.teitzel@unitywater.com; FOGARTY Chris (Energex) <chrisfogarty@energex.com.au>; YOUNG Gary <Gary.Young@des.qld.gov.au>; Correspondence, ISB <ISB.Correspondence@qed.qld.gov.au>; NAIKER UtkatuBob <UtkatuBob.NAIKER@hpw.qld.gov.au>; HILL Jeremy <Jeremy.HILL@hpw.qld.gov.au>; ROBERTSON, Brett <Brett.ROBERTSON@qed.qld.gov.au>; Planning Support <Planning.Support@des.qld.gov.au>; Glanvill, Rob CAPT - RAN <rob.glanvill@defence.gov.au>; Grant Hastie <Grant.Hastie@oir.qld.gov.au>; BAXTER, Dave <Dave.BAXTER@qed.qld.gov.au>; DUNCAN, Bruce <Bruce.DUNCAN@qed.qld.gov.au>; DAF Planning <DAFPlanning@daf.qld.gov.au>; LEO Daniel <Daniel.Leo@dnrme.qld.gov.au>; Candace Mitchell <Candace.Mitchell@dsmip.qld.gov.au>; Thomas V Rowland <Thomas.V.Rowland@tmr.qld.gov.au>; Darryl R Kong <Darryl.R.Kong@tmr.qld.gov.au>; Lena M Hobson <Lena.M.Hobson@tmr.qld.gov.au>; PEARSON Scott (EnergyQ) <scott.pearson@energyq.com.au>; Sarah Doring <Sarah.Doring@dsmip.qld.gov.au>; glen.glanvill@defence.gov.au; andrew.rutch@datsip.qld.gov.au; HHS HPO Town Planning <HHSHPOTownPlanning@hpw.qld.gov.au>; John Schiavo <John.Schiavo@datsip.qld.gov.au>; FOGARTY Chris (EnergyQ) <chris.fogarty@energyq.com.au>

**Subject:** State agency review template - Noosa planning scheme

Hello All

Please find attached a template for you to use for your state interest review. You can upload this completed template to the ePlan Portal (ezischeme) or email it to me. I would actually prefer you email it to me at this stage, due to inadequacies in the ezischeme at our end.

Also, if you would like the GIS shapefiles for the planning scheme, bring a USB on Monday and I will transfer the files on to it for you.

If you still want the files and are not coming on Monday, please let me know and I will arrange to get them to you.



As we did not receive the files until Wednesday, we will be starting our review timeframe from this date – this will be updating in ezischeme.

I will recalculate the review timeframe for state agencies and let you know on Monday.

Regards

Caroline Plank  
Principal Planning Officer  
**Planning and Development Services (SEQ North)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

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**P** 07 5352 9709  
12 First Avenue, Maroochydore  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

RTI RELEASE - DSDMIP

# Noosa Council Responses to State Interest Review comments 21 September 2018

## Part A—State interests

### Planning for liveable communities and housing

Housing supply and diversity			
Ref. Number	Policy Element	Original Requirement and additional comments from State following NSC response	NSC response
1	Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.	<p><b>Planning scheme Reference:</b> Strategic framework</p> <p><b>Integration of state interest:</b> Partially integrated – planning scheme could be strengthened in the Part 3 Strategic framework. State interest <i>Housing Supply and Diversity</i> Policy 3 (1) (2) and (3) and <i>Development and Construction</i> (8).</p> <p><b>Action:</b> <u>The strategic framework can be amended to give stronger support to promoting affordable and social housing</u>, in accordance with the SPP. Some examples can be found in the wording of other planning schemes such as Moreton Bay Regional Council e.g.</p> <p>Moreton Bay Regional Council Planning Scheme 2016</p> <p>3.5 Strong communities (Page 60)</p> <p><i>Council also endeavours to support the initiatives of Federal and State Governments and the community and private sectors to more directly address the issues of housing affordability. Specifically, Council intends to encourage community and “not for profit” housing providers who deliver appropriate housing products in an acceptable manner to meet special needs and community housing purposes .....</i></p> <p>3.5.7 Strategic Outcomes- Housing Choice and Affordability <i>A variety of housing options is provided to meet diverse community needs, and achieve housing choice and affordability.</i></p> <p>4. <i>Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</i></p> <p>5. <i>All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</i></p> <p>6. <i>Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and.....</i></p> <p><b>Reason:</b> To give stronger support in the planning scheme to promote social and affordable housing outcomes.</p> <p><b>ADDITIONAL COMMENTS:</b> 1) Council’s representations in relation to their support for smaller units to encourage affordable housing is supported by DHPW. 2) Council’s concerns regarding confidence that affordable housing will be delivered if it amends its strategic framework are noted and the following comments are offered. Noosa SC being within the SEQ region is a priority Council (along with the Sunshine Coast Regional Council) for the Housing Construction Jobs Plan. The State Planning Policy- Housing Supply and Diversity (Policy 3 (c) aims to ensure that planning schemes are able to facilitate affordable and social housing outcomes through supportive planning provisions and suitably zoned land with the intent that this housing is able to be delivered when suitable sites and funding are available. In order to ensure this, inclusion in the strategic framework is sought to give high-level support for these housing outcomes by Council. It is noted that informal email between Council and DHPW planners indicates that an outcome could be provided.</p> <p><b>Suggested wording:</b></p> <p><u>In order to meet Policy 3(c) of the SPP (above), DHPW considers that the Strategic Framework should at the very least include a specific statement that references support for social and affordable housing:</u></p>	<p>Strategic Framework already acknowledges one of the key challenges is “<i>diversity in housing choice to provide suitable residential accommodation for low income earners and key workers</i>”. Section 3.2.4 is focussed on housing to meet diverse needs of the community.</p> <p>Section 3.3.3 are Strategic Outcomes specifically for Housing Choice such as:</p> <p>e) <i>A wide range of housing is spread throughout the existing urban areas of Noosa Shire and responds to housing needs associated with factors such as changing demographics, changing composition of households, and lifestyle Choices.</i></p> <p>f) <i>Additional smaller dwellings on traditional house sites and small dwelling units in centres are provided so that the housing mix and Choice better reflects community needs.</i></p> <p><b>We’ve added another line to 3.2.4 as follows:</b> “<i>The initiatives of Federal and State Government and community based not-for-profit entities in delivering more affordable housing for residents in need are likely to be an important component of new housing.</i>”</p> <p><b>We’ve added two additional lines to 3.3.3 as follows:</b> “<i>Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options.</i>”</p> <p>“<i>Major residential developments will be encouraged to incorporate a range of housing types including more affordable housing products for the entry buyer and low-income housing markets.</i>”</p>

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		<p><u>"Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options."</u>  <u>If a supportive statement is not included, DHPW would not consider the planning scheme to fully integrate Policy 3 the state interest.</u>            3) Council's comments in relation to MBRC are noted. It is emphasised that MBRC was only suggested as an approach undertaken by a local government; it was not intended to compare the two LGAs.</p>	
2	<p>Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.</p>	<p><b>Planning Scheme Reference:</b>            Section 6.3 Residential zones category</p> <p><b>Integration of state interest:</b> State interest Policy 3 - <i>A diverse affordable and comprehensive range of housing options in accessible and well service locations, is facilitated through (a) appropriate, responsive and proactive zoning and (b) supporting an appropriate mix of lot sizes and dwelling types, including housing for seniors and people requiring assisted living.</i> This has been partially met.</p> <p><b>Action:</b> Review the specific code provisions of the residential zones which aim to restrict development on residential zoned land with a view to ensuring that wider amenity and environmental requirements can still be met – see comments below.</p> <p>6.3.1 Low density residential zone code            Table 6.3.1.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 – Site Cover and Gross Floor Area, acceptable outcome AO8.1</li> </ul> <p>It is recommended the low site cover proposals of AO8.1 be reviewed to allow low density development of residential sites to achieve streetscaping and landscaping objectives without being unduly restrictive and promoting inefficient use land.</p> <p>S 6.3.2 Medium density residential zone code            Built form Table 6.3.2.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 Site Cover and Gross Floor Area</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of medium density forms of development which meets streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>PO9 Plot Ratio</li> </ul> <p>The establishment of 0.4: or 0.5 :1 plot ratio in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range medium density forms of development (as appropriate in Noosa) which still meet streetscaping and landscaping objectives without being unduly restrictive. The plot ratio specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>P10 Building setback</li> </ul> <p>Acceptable outcomes – it is recommended that acceptable outcomes be reviewed to allow a degree of flexibility in terms of setbacks under reasonable requirements (e.g. to accord with streetscaping, where other landscaping/amenity, overlooking and overshadowing requirements are met).</p> <p>6.3.3 High density            Built form - Table 6.3.3.3 Criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO5 Site cover</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the high density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of high density forms of development which still meet streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <p><b>Reason:</b> Restrictions on development of residential sites through low plot ratios and site coverage, impacts on densities and results in inefficient use of land, consequently affecting housing supply and diversity.</p> <p><b>ADDITIONAL COMMENTS:-</b>            DHPW makes recommendations generally on items in the planning scheme which it feels could be amended to contribute towards introducing more flexibility in a planning scheme, thus contributing to housing diversity and eventually supply of more affordable housing.</p> <p>In this case, the issues that NSC raise and the potential implications have been noted, particularly in the Low density residential (LDR) zone. Council's approaches to encourage affordable housing in other areas of the scheme and the code alterations for the medium (MDR) and high density residential (HDR) zone as outlined are acknowledged.</p>	<p>We dispute this and believe the scheme has taken positive action towards increasing the amount of land available for multiple dwellings, including high density residential, discriminating towards small dwelling units rather than large ones. Various sites have been zones specifically for aged care (including two previously unconsidered sites).</p> <p>This is particularly hard for Council to accept. Noosa Council has always had maximum site covers, GFA and plot ratios and since the 1980s at least they have been mandatory. The space between buildings is one of the things that sets us apart from other places and are values that were incorporated in the statutory iconic values under the iconic legislation.</p> <p>Further, we have already had preliminary consultation with the community in the form of a Discussion Paper on the draft scheme and the very clear message back through submissions is that this community likes the current built form &amp; landscaping provisions and do not want them changed.</p> <p>Given the minimum lot size is 600m<sup>2</sup> having a bigger site cover just means a bigger (and less affordable) house. A greater site cover or GFA will do nothing to assist affordability.</p> <p>This is actually an improvement (more flexibility) than the current scheme which just specifies 40%. We are trying to incentivise a higher number of smaller units not just allow the building envelope on the site be maximised because that will just result in a smaller number of large luxurious units.</p> <p>Setbacks are considered important as they allow for space between buildings for landscaping, access to sunshine, protection of privacy, outdoor living etc. We have typically allowed relaxations to support good design outcomes and to allow for eaves, sunhoods, etc. Setbacks required are not unreasonable and the community is very used to them as they have been relatively consistent for some thirty years or more.</p> <p>As discussed above this is actually an improvement on the current scheme and allows an incentive for a larger number of smaller dwellings.</p>

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		DHPW accepts Council's response on the code provisions and has no further requirements on this matter.	
Liveable communities			
Ref. Number	Policy Element	Requirement	NSC response
3	Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment 5.5 Categories of development and assessment – Material change of use.</p> <p><b>Integration of state interest:</b> Community facilities and services, including education facilities (state and non-state providers), health facilities, emergency services, arts and cultural infrastructure, and sport, recreation and cultural facilities are well-located, cost-effective and multi-functional.</p> <p><b>Action:</b> Amend levels of assessment for emergency services (use) in all zones, to ensure the levels of assessment are not onerous – consider accepted development with requirements, and code assessment where appropriate benchmarks can be applied.</p> <p><b>Reason:</b> The SPP states that the provision of sustainable, equitable and efficient access to a wide range of services and facilities underpins community wellbeing and liveability – which has major effects on safety, employment, health and access.</p> <p>The onerous planning scheme provisions for emergency services could deter emergency services from locating in particular locations. Restricting the location of emergency services (use) can increase emergency response times.</p> <p>In addition, Rural Fire Brigades are volunteer lead organisations with very limited resources. The infrastructure is very low impact and provides an essential service to the surrounding community.</p> <p>Ensuring that emergency services is accepted development throughout the local government area, allows for timely, cost effective emergency services infrastructure provision and enhances liveability and quality of life in the community.</p>	<p><b>Rural fire brigades are now acceptable subject to requirements in the Rural or Rural Residential Zone.</b></p> <p><b>Where they are annotated on the Community Facilities Zone (because they already exist) Emergency Services are now accepted subject to requirements.</b></p> <p><b>We have made Emergency Services consistent (code) in all the centres zones and industrial zones (but not in every precinct).</b></p> <p>They are consistent (impact) in the two green zones. <b>However Council is not prepared to make them code assessable within residential zones because of the 24 hour nature of the use.</b></p> <p>Unlike to need any additional/new fire, ambulance or police stations in the future as not a lot of growth. For evacuation centres they are likely to rely on existing buildings (such as schools) so not a high chance of needing new ones. Considering this the risks are relatively low.</p>

### Planning for economic growth

Agriculture			
Ref. Number	Policy Element	Requirement	NSC response
4	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 3 Strategic Framework; Section 3.2 Strategic Intent; Section 3.2.2 A well managed and sustainable Noosa Shire; paragraph 12</p> <p>"Noxious forms of industry, intensive factory farming and developments that disrespect the ecosystem service functions of the landscape, waterways and wetlands are not permissible".</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Provide justification about why intensive agricultural land uses can't be appropriately located in the Noosa Shire in the rural zone.</p> <p><b>Reason:</b> This statement indicates that intensive agricultural land uses are not allowed anywhere in the local government area.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p>	<p>A very large proportion of Noosa Shire hinterland consists of small lifestyle blocks, many of which have been revegetated and are being conserved. Residents are typically passionate about the environment and the amenity of their surroundings. Agricultural producers tend to have a high regard for the environment and appreciate the "clean/green" credentials of the Noosa brand.</p> <p>We are not opposed to intensive agricultural uses as such, indeed some forms are applauded and are gaining momentum as hoped through the local economic strategy and work of Country Noosa.</p> <p><b>The original sentence has been removed and replaced with:</b></p> <p><b>"Any form of development that has the potential to adversely impact on surrounding natural resources and environmental values will not be supported unless it can be located and designed to avoid environmental harm or nuisance."</b></p>

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		<p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses when in appropriate locations.</p> <p><b>FURTHER COMMENT:</b> DAF would not object to the retention of a similar statement as long as it is re-worded. The term “intensive factory farming” should be removed, as it is an unnecessary singling out of a particular industry and is highly emotive.</p> <p>The phrase “disrespect ecosystem service functions” should also be removed for clarity – what does this phrase mean?</p> <p>DAF agrees that all development (including intensive agricultural activities) ensures that the environment is not significantly impacted and the statement should simply be: “Developments that have the potential to impact surrounding environments will only be supported where they are appropriately located and designed to avoid environmental harm and nuisance.”</p>	
5	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 3 – Strategic Framework, Part 3.2.6 – A diverse and resilient economy, Agriculture and rural-based activities, Paragraph 1</p> <p>“Livestock enterprises are generally limited to pasture fed, free range operations or aquaculture. <u>Industrial farming or high impact agricultural uses can reduce rural amenity through increased noise, traffic, lighting and signage. They have a high propensity to pollute the air, groundwater and surface water. For these reason, they are not supported</u>”.</p> <p><b>Integration of state interest:</b> <i>Agricultural state interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove references to “industrial farming” and replace with “intensive rural activities”</li> <li>2. Address the action in item 4 above, and then, if appropriate, delete “They have a high propensity...and surface water. For these reasons they are not supported.” or amend to focus on locating intensive agricultural land uses in appropriate locations in the rural zone.</li> </ol> <p><b>Reason:</b></p> <ol style="list-style-type: none"> <li>1. “Industrial farming” is not a recognised land use in Queensland planning legislation or associated materials</li> <li>2. The statement indicates that intensive agricultural land uses are not expected or consistent with the intent of the rural zone, and they all cause environmental harm or nuisance. The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</li> </ol> <p><b>FURTHER COMMENT:</b> DAF agrees that intensive agricultural land uses have the potential to cause environmental harm and nuisance, and need to be suitably located and designed to avoid environmental harm and nuisance.. DAF does not support the exclusion of these uses from the rural zone.</p> <p>DAFs position is that the term amenity is so subjective it is almost unworkable, particularly in the rural zone. What disturbs one person’s amenity may not worry another. For example, a rooster crowing or cows bellowing may disturb one person, yet it may take a tractor noise to disturb another. In both cases, these noises are intrinsic to a functioning rural zone. How will Council determine the impact of a development on the rural amenity?</p> <p>DAF suggests Council focuses on the suitable location and design of intensive agricultural land uses in appropriate locations of the rural zone.</p>	<p>Council ultimately wants the message to be the same. Uses that impact on either the rural amenity or the environment are not supported</p> <p><b>“Intensive or high impact rural uses can lead to environmental harm or nuisance through increased noise, traffic, lighting, use of chemicals or generation of dust or odour. Rural uses that pollute the air, groundwater and surface water are not likely to be supported.”</b></p>

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<p>6</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment; Section 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Animal Husbandry Use</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend the levels of assessment so that grazing of livestock and non-feedlot dairying (where keeping more than 1 head of cattle, sheep, goats etc.) in the rural zone is accepted development or code assessment, where appropriate.</p> <p>Amend references to pig keeping and poultry farming from 'Animal husbandry'.</p> <p><b>Reason:</b> The rural zone is the appropriate place for all agriculture/rural uses. Grazing of livestock and non-feedlot dairying are uses that are expected and consistent with the intent of the rural zone.</p> <p>Pig keeping and poultry farming is an intensive animal industry not animal husbandry as defined in the use definitions in schedule 1.</p> <p><b>FURTHER ADVICE:</b> <u>Intensive animal industry</u></p> <p>DSDMIP advises: The definition of 'intensive animal industry' is multi-layered – there's more than one criteria to meet – the use is for the intensive production of <u>animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand</u>; or...</p> <p>The use needs to meet all of these for it to meet the definition. It will be up to council to ensure that animal husbandry really is animal husbandry and not intensive animal industry.</p> <p><u>Animal husbandry</u></p> <p>DAF's position is that animal husbandry should be accepted development in the rural zone. DAF accepts that <b>Council would like to have some control over numbers to minimise impacts and at these thresholds determined by Council (whatever they might be), the use would become code assessable. DAF would accept this if the numbers of animals allowed as accepted development were increased.</b> For example, DAF doesn't think it is reasonable for someone who wants a couple of head of cattle in the rural zone to have the use deemed assessable.</p> <p><b>DSDMIP advises that other councils in the region make animal husbandry accepted development (with or without requirements) and therefore Noosa Shire Council could look to these for guidance.</b> MBRC use a local law to control certain animal keeping which is referred to in the tables of assessment for animal husbandry to be accepted development (without requirements) and otherwise, to be accepted development with requirements (rural zone code). SCRC makes animal husbandry accepted development with requirements (rural uses code).</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above</b></p>	<p>This is an interpretation problem – Council are of the view that if chickens or pigs are outside, free to range/forage they are not intensive animal industry. <b>We have received legal interpretation on this matter, the upshot of which is that if animals or birds are free to range or graze in a field and are not in an enclosure requiring food and water to be provided mechanically or by hand, the use can only be animal husbandry. This legal advice has been provided to DSMIP and DAF.</b></p> <p><i>animal husbandry means the use of premises for—</i> (a) producing animals or animal products on native or improved pastures or vegetation; or (b) a yard, stable, temporary holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph (a). Examples of animal husbandry— cattle stud, <b>grazing of livestock</b>, non-feedlot dairy</p> <p><i>intensive animal industry—</i> (a) means the use of premises for— (i) the intensive production of animals or animal products, <b>in an enclosure, that requires food and water to be provided mechanically or by hand</b>; or (ii) storing and packing feed and produce, if the use is ancillary to the use in subparagraph (i); but (b) does not include the cultivation of aquatic animals. Examples of intensive animal industry— feedlot, piggery, poultry and egg production</p> <p><b>Notwithstanding the above we are proposing to change the Table of assessment for the Rural Zone and the Rural Activities Code</b></p> <p><b>For Animal Husbandry there's still a table of animals that are just acceptable development (no planning scheme requirements)</b></p> <p><b>Then everything else is Accepted Subject to Requirements (self-assessable) with applicable AOs listed from the Rural Zone Code and the Rural Activities Code</b></p> <p><b>For Intensive Animal Industry we're listing a few thresholds that would be code assessable—if:</b></p> <ul style="list-style-type: none"> <li>a) located on a site at least 20 hectares in area; and</li> <li>b) poultry farming (meat or egg production) not exceeding 999 birds; or</li> <li>c) emu or ostrich farming not exceeding 20 birds; or</li> <li>d) not exceeding 21 standard units of pig; or</li> <li>e) not exceeding 50 standard units of cattle</li> </ul> <p><b>Outside of these circumstances Intensive Animal Industry will be impact assessable <u>but only consistent where it meets the following criteria:</u></b></p> <ul style="list-style-type: none"> <li>a) located at least 100 metres from a sensitive land use;</li> <li>b) located outside the Water Supply Buffer or Water Resource Catchment;</li> <li>c) located outside the Flooding and Inundation area;</li> <li>d) located outside the Riparian Buffer Area.</li> </ul> <p><b>Within the Rural Activities code we have amended and rearranged provisions to address Animal Husbandry and Intensive Animal Industry in a closer manner and combined the same performance outcomes for both in instances.</b></p> <p><b>PO10</b> <i>Animal husbandry and Intensive animal industry is at a scale, intensity and stocking density that does not over-graze the property, lead to erosion or degradation, compromise the welfare of animals or cause environmental nuisance experienced on adjoining premises.</i></p> <p><b>AO10.1</b> <i>Livestock are free to graze or forage in pastures and rely on supplementary food for no more than 30% of their diet.</i></p> <p><b>AO10.2</b> <i>The lot used for Animal husbandry has a minimum area of 4 hectares.</i></p> <p><b>AO10.3</b> <i>The lot used for Intensive animal industry has a minimum area of 20 hectares.</i></p> <p><b>Pigs</b></p>
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			<p><b>AO10.4</b> For animal husbandry, livestock does not exceed a stocking density of 10 pigs per hectare. OR <b>AO10.5</b> For Intensive animal industry, pigs are provided with a range area that does not exceed an average stocking density of 30 adult pigs per hectare and which offers continuous access to shelter provided that any property with over 50 pigs is at least 20 hectares in area.</p> <p><b>Poultry</b> <b>AO10.6</b> For animal husbandry livestock does not exceed 999 birds and a pasture stocking density of 250 birds per hectare, provided that buildings or structures used to house poultry at night do not exceed a stocking density of 28kgs of live birds per square metre of floor space. OR <b>AO10.7</b> For Intensive animal industry livestock density does not exceed 2,500 birds per hectare of pasture with at least 8m<sup>2</sup> of overhead shade per 1,000 birds provided that any property with 1,000 birds or more is at least 20 hectares in area</p> <p><i>Editor's Note—The appropriate stocking rate (number of livestock on a paddock or a whole farm) can be calculated for each type of animal using tools published by Meat &amp; Livestock Australia. "Grazing land types of the Gympie district" by Adam Logan, Graeme Elphinstone and Brad Wedlock, published by the Queensland Government in 2010 may also be of local relevance.</i></p> <p><b>PO113</b> Sufficient separation distance is provided between Animal husbandry and Intensive animal industry, public spaces and sensitive land uses on other premises.</p> <p><b>AO11</b> Irrespective of boundary setbacks for the relevant zone, area used to contain livestock intensively, whether temporarily or permanently, or waste and by-product disposal areas are located no less than— a) 50 metres from a road reserve; b) 250 metres from land in a residential zone including the rural residential zone; c) 40 metres from another property boundary; and d) 150 metres from a sensitive land use. provided that a mobile poultry shed housing no more than 200 birds can be as close as 40 metres to any property boundary provided it is within the setbacks specified above for no more than 2 days during any given week.</p> <p><b>PO12</b> Sufficient separation distance is provided between livestock and ecologically important areas including national parks, waterways, water bodies and wetlands.</p> <p><i>Editor's Note— The presence of an overlay over the site (for example indicating biodiversity values or water supply catchment) may change the level of assessment or add specific requirements.</i></p> <p><b>AO12.1</b> Buildings used to house animals, temporary holding yards, areas of waste or by-product disposal are not within 100 metres of adjoining land in the environmental management and conservation zone; or a waterway or wetlands as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</p> <p><b>AO12.2</b> Where livestock is located on land adjoining a natural waterway or wetland (as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2) fencing prevents livestock entering the waterway or riparian zone.</p> <p><b>PO13</b></p>
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			<p><b>Buildings and enclosures intended to house animals or birds are sited, designed and constructed:</b></p> <ul style="list-style-type: none"> <li>a) to facilitate natural ventilation and ease of cleaning, ensuring effluent can be managed effectively; and</li> <li>b) with sufficient noise and odour mitigation measures so as to ensure that dispersion effectively limits odours to acceptable levels and frequencies under the expected range of atmospheric conditions.</li> </ul> <p><b>AO13</b> Sheds and storage areas are designed and constructed with:</p> <ul style="list-style-type: none"> <li>a) natural ventilation;</li> <li>b) easy to clean material;</li> <li>c) drains, pits or litter beds which can be easily and regularly cleaned out without excess waste or moisture build-up;</li> <li>d) noise mitigation measures for fans and pneumatic feed systems; and</li> <li>e) covers applied to stored manure or litter.</li> </ul> <p><b>PO14</b> Intensive animal industries are sited, sized, designed, constructed and managed to protect:</p> <ul style="list-style-type: none"> <li>a) the profile and productive qualities of soil;</li> <li>b) the water quality of groundwater, waterways and wetlands;</li> <li>c) the scenic and visual amenity of the Noosa hinterland; and</li> <li>d) the quality of life enjoyed by residents of Noosa Shire.</li> </ul> <p><b>No acceptable outcome provided</b></p> <p><b>PO15</b> The haulage of animals does not result in environmental nuisance to surrounding sensitive land uses.</p> <p><b>No acceptable outcome provided</b></p>
7	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Intensive Animal Industry Use</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate, amend the level of assessment so that intensive animal industries that are environmentally relevant activities (ERAs) are assessable development – impact assessable and those below the ERA threshold are assessable development – code assessable.</p> <p><b>Reason:</b> The levels of assessment prescribed indicate that pig keeping with more than 20 standard pig units of pigs, poultry farming more than 999 birds and intensive animal feedlotting in the rural zone are not consistent with the intent of the rural zone and are not supported.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p><b>FURTHER ADVICE:</b> DAF does not support the exclusion of intensive animal industries or restricting the scale of the intensive animal industry within the rural zone. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p>However, the suitable location and design of intensive animal industries to avoid environmental harm is supported.</p>	<p>We believe the strategy detailed above should satisfy the State on this comment as well.</p> <p>We appreciate the State has a policy of protecting agriculture and food production but the economic point of difference to food production in Noosa Shire is the “clean/ green” credentials of growing food in this place and intensive animal industries go against that reputation and therefore risk the pasture fed / organic / boutique food businesses that are emerging.</p> <p>Discussions with DAF suggests they would be happy with a threshold approach. We have looked at other schemes and the thresholds we have used are not dissimilar.</p>



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		<p>DAF does not accept any attempts by a local government to prohibit or make intensive animal uses inconsistent in the rural zone.</p> <p>DSDMIP advises: The Sunshine Coast Planning Scheme uses a scale (threshold) to determine code and impact for the rural zone for 'intensive animal industry': Code assessment if involving less than</p> <ul style="list-style-type: none"> <li>• 21 standard units of pigs</li> <li>• 1000 birds or poultry</li> <li>• 50 standard units of cattle</li> <li>• 350 standard units of sheep</li> </ul> <p>Impact assessment if not otherwise specified.</p> <p>DSDMIP doesn't consider this to be prohibition but rather, regulation. As such, DSDMIP is not against Noosa Shire Council regulating intensive animal industry in a similar way to Sunshine Coast Regional Council, by providing local context as the justification.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	
8	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of assessment, Wholesale nursery, Accepted Development subject to requirements</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend (b) to allow for greater area of combined shed/greenhouse structures, for example, by stating the covered areas is ten per cent of the area of the lot.</p> <p><b>Reason:</b> The allowable combined greenhouse/shed structure area is insufficient to provide for a commercial wholesale nursery operation. Unjustified restrictions on the area of these structures has the potential to limit the activity below economic levels and thus constitutes a de-facto prohibition of the activity on a commercial-scale. This is inconsistent with the intent of the SPP Agriculture Policy 4 (a).</p>	<p>Currently it is all code assessable and we were trying to make smaller operations self-assessable.</p> <p><b>We have increased the threshold for accepted development subject to requirements to 2,000m<sup>2</sup> for both intensive horticulture and wholesale nursery.</b></p> <p>Above 2,000m<sup>2</sup> we continue to require code assessment but <b>we have amended the AO of the code to specify it can be up to 10% of the site area.</b></p>
9	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6.7 Environmental zones category, Table 6.7.1.3 AO8.2, and; Part 6.8 Other Zone Categories, AO18.1 and; Rural Zone Code, Table 6.8.3.3 AO8.3</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated (Agriculture, policy 3)</i></p> <p><b>Action:</b> Amend relevant AO in each code to include:</p> <ul style="list-style-type: none"> <li>• Setback of 100m incorporating natural vegetation and other buffer elements from the level of Highest Astronomical Tide (HAT) in tidal areas.</li> <li>• A setback of 50 m (incorporating natural vegetation and other buffer elements) from freshwater habitats.</li> </ul> <p><b>Reason:</b> Setbacks are defined for a range of matters including erosion prone areas. They should be identified for significant waterways as well to ensure fisheries resources are protected.</p> <p>The recommendation is based on a generic policy position which recommends a minimum buffer width of 100 m (incorporating natural vegetation and other buffer elements) set back from the level of HAT in tidal areas. In freshwater areas a minimum 50-metre setback is recommended (incorporating natural vegetation and other buffer elements) from freshwater habitats. These generic buffer widths are considered a 'starting point' from which site-specific requirements can be negotiated. See the fish habitat guideline at <a href="https://www.daf.qld.gov.au/data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf">https://www.daf.qld.gov.au/data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf</a></p>	<p>The following riparian buffers apply to waterways across Noosa Shire as part of the Biodiversity, Waterways and Wetlands Overlay:</p> <ul style="list-style-type: none"> <li>- All major lakes, 200m buffer</li> <li>- Noosa River and lower Kin Kin Creek, 200m buffer</li> <li>- Unconfined / Partly confined and Alluvial based major waterways, 100m buffer</li> <li>- Confined major waterways, 50m buffer</li> <li>- All other waterways Stream Order 1 or greater, 10m buffer</li> <li>- For Cooroibah and Pomona rural residential areas, wider buffers applied to some streams where development impacts likely to be greater and connectivity functions or opportunities exist</li> <li>- For Lake Macdonald catchment, wider buffers applied to some 1<sup>st</sup> and 2<sup>nd</sup> order streams for protection of water quality functions and riparian connectivity consistent with previous 2006 Noosa Plan.</li> </ul> <p>An assessment of waterways buffers has been provided to the State in the document Noosa Shire Waterways Assessment 2017.</p> <p><b>Council has made the following changes:</b></p> <ul style="list-style-type: none"> <li>• Amend buffer widths in Table 6.7.1.3 AO8.2 to read "setback... a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterway and Wetland Overlay maps".</li> <li>• Amend buffer widths in Table 6.8.1 AO18.1 to read "setback... a distance greater the riparian buffer area shown on Biodiversity, Waterways and Wetlands Overlay maps".</li> <li>• Amend buffer width in Table 6.8.3.AO8.4 for the Rural Zone. "a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterways and Wetland Overlay maps".</li> </ul>

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10	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> 6.8.3 Rural Zone Code; 6.8.3.2; points 2(a) and 2(f)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate include intensive animal industries in both dot points.</p> <p><b>Reason:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p><b>FURTHER ADVICE:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p>All rural uses should be listed as consistent uses in the rural zone. Please amend any instances with rural uses are listed as inconsistent uses in the rural zone. Council can regulate the level of assessment through the tables of assessment.</p>	<p><b>Intensive Animal Industry is now considered consistent where it meets the following criteria:</b></p> <ul style="list-style-type: none"> <li>a) located at least 100 metres from a sensitive land use;</li> <li>b) located outside the Water Supply Buffer or Water Resource Catchment;</li> <li>c) located outside the Flooding and Inundation area;</li> <li>d) located outside the Riparian Buffer Area.</li> </ul>
12	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, PO2/AO2</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Include an Editor's Note advising that aquaculture is permissible on ALC Class A/B land (Agricultural Land Conservation Area)</p> <p><b>Reason:</b> The SPP clearly articulates that planning schemes are to "promote hard to locate intensive agricultural land uses, such as intensive animal industries, <b>aquaculture</b> and intensive horticulture in appropriate locations.", and the State Interest guidance material for Agriculture states that it is permissible for aquaculture to be located on ALC Class A/B land where the impacts can be minimised etc.</p>	<p><b>Done - Editor's note added below AO2.2 as follows: "Aquaculture is specifically permissible on Agricultural Land Conservation Area".</b></p> <p>(ALCA is a defined term)</p>
13	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Building height and scale, PO7 and AO7</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove provision that buildings and other structures are "low rise" if low rise means under 9 metres, or define what "low rise" means.</li> <li>2. Amend PO7(b) to "minimise an appearance of bulk to adjacent properties etc.</li> </ol> <p><b>Reason:</b> Some agricultural buildings are not low rise (depending on definition) and are high through necessity (eg. silos) – some greenhouse structures need to be 9 metres high to get the best growing conditions for certain crops. Restricting the height of these structures in the rural zone does not represent support for agriculture and is therefore inconsistent with the SPP.</p> <p>Likewise, some agricultural buildings need to be bulky through necessity and it would support agricultural development to allow a proponent to "minimise" the bulkiness rather than straight out not supporting it. The rural zone is for rural activities and if that rural activity requires a bulky structure to be viable, then it should be supported through the planning scheme to comply with the SPP.</p>	<p>It's accepted silos and other agricultural structures/buildings could exceed 9 metres but not to an indefinite figure and Council should still see plans of anything particularly high especially if that structure is within a certain distance of property boundaries.</p> <p><b>6.8.3.3. PO7 remains however (b) has been amended to read "minimise the appearance of bulk to adjacent properties, roads or other areas in the vicinity of the site";</b></p> <p><b>The corresponding AOs now read as follows:</b></p> <p><b>AO7.1</b> <b>Buildings are no more than two storeys in height.</b></p> <p><b>AO7.2</b> <b>With the exception of Class 10 buildings or structures used exclusively for a rural activity, buildings and structures are no more than 8 metres in building height from ground level and no more than 8 metres above the finished surface level providing that they may be up to 9 metres where the pitched roof but no other part of the building or structure exceeds 8 metres.</b></p> <p><b>AO7.3</b></p>


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		<p><b>FURTHER ADVICE</b> DAF is concerned that a boundary setback of twice the height of the building or structure is excessive, however given it is an AO, DAF will accept.</p> <p>However there doesn't appear to be any decision on PO7(b)</p> <p>DAF supports Councils endeavours to avoid "big barns" being converted to a dwelling.</p> <p>DAF and DSDMIP expect some revision of the planning scheme to address these issues, particularly a reword of PO7(b) to address the requirement around the appearance of 'bulk'.</p>	<p><i>With the exception of Class 10 buildings or structures used exclusively for a rural activity, individual buildings or roofed structures do not exceed 500m<sup>2</sup> gross floor area.</i></p> <p><b>A07.4</b> <i>Class 10 buildings used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry do not exceed 12 metres in height.</i></p> <p><b>A07.5</b> <i>A structure, not constituting a building, used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry does not exceed 15 metres in height.</i></p> <p>This should not be onerous on genuine farming situations but we would prefer to avoid big "barns" that very quickly get converted to habitable buildings. DAF indicated it's OK.</p>
14	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Built form, Setbacks, PO8 Part (a)</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Reword this PO to focus on not causing environmental harm and nuisance (as per EP Act) to sensitive receptors.</p> <p><b>Reason:</b> Currently the performance outcome is too focussed on the amenity (amenity being highly subjective) of other users of the rural zone and is ultimately not supportive of agricultural operations in the appropriate zone. Agriculture is at times going to cause some noise/dust/odours – this is why it is constrained to the rural zone.</p> <p><b>FURTHER ADVICE</b> DAF agrees in part, however if an issue as subjective as "amenity" is going to be continually used as a means of managing rural uses in the rural zone, then DAF would like to see recognition that the rural zone is for rural purposes and this land use will affect amenity to some degree, at some time, to some people. Even small-scale boutique enterprises have the potential to affect someone's amenity if that person's perception of the rural zone is different to what the zone is actually for.</p> <p>Suggest - <b>"avoid environmental harm or nuisance to sensitive land uses, including adverse impacts, over and above what could reasonably be expected in the rural zone, on amenity values, acknowledging that the rural zone is for rural uses."</b></p> <p>DAF and DSDMIP request that council reword, so that the PO is measurable. DSDMIP also suggest council do an audit of the planning scheme, to see if amenity is already covered off through other provisions, for instance, buffers etc.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	<p><b>Reworded PO8 (a) to read "avoid environmental harm or nuisance to sensitive land uses, including adverse impacts on amenity values, over and above what could reasonably be expected in the rural zone;"</b></p>
15	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Safety and amenity PO9 and PO10</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Delete PO9 and PO10(b)</p> <p><b>Reason:</b> Impacts to amenity have been covered under the setbacks section – PO8 (a). Generally, the rural zone code is not particularly supportive of agriculture and is more focussed on protecting the lifestyle of people living in the zone. Inclusion of PO9 confirms this focus and does not support agricultural uses in the rural zone. If the focus in the rural zone is on lifestyle and environmental attributes, then the land in this zone needs to be zoned accordingly (ie not rural zone).</p>	<p><b>PO9 is reworded to say "Development does not result in environmental harm or environmental nuisance to sensitive land uses."</b></p> <p><b>PO10b) is deleted.</b></p>

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		<p>With regards to PO10(b), this provision is too open to interpretation and could constrain any agricultural development. Agriculture needs to be able to move goods both in and out of a property, and this PO seems aimed at reducing any agricultural related traffic along rural roads. This isn't supportive of the state interest for agriculture.</p> <p><b>FURTHER ADVICE:</b> Development that is assessable will likely be assessed for traffic impacts, is there a need to single out haulage components – would like to discuss with NSC, given the majority of land uses currently in the rural zone, and fragmented nature of rural zone, what is the risk of large-scale agricultural enterprises locating in the region?</p>	
16	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Scenic amenity AO13</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> <u>Consider</u> removing or rewording AO13 (d)</p> <p><b>Reason:</b> Some agricultural operations require different colour shade cloth or materials to provide the best growing conditions for what they are producing. While it's acknowledged that these should be screened to reduce amenity impacts, it is onerous for a planning scheme to be determining the materials that should fit with the sites visual character, particularly in a zone which should be supporting agricultural production.</p>	<p>We've added an Editors note as follows:</p> <p><b>Editor's Note— Residential buildings should be predominantly finished in colours and materials that blend well with the colours and hues of the surrounding vegetation and landscape without causing glare or reflection. For agricultural buildings, colours and textures that blend with the natural setting are preferred however if not practical, buildings should at least be well maintained and/or visually screened.</b></p>
17	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Sloping sites and ridgelines PO15 and Editor's note under AO15.5</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Reword PO15</li> <li>2. <u>Consider</u> removing or rewording Editor's note</li> </ol> <p><b>Reason:</b> PO15 could constrain agricultural development and appears to be more directed to structures – e.g. how would a proponent ensure that an avocado orchard sits in the landscape rather than dominates it?</p> <p>The Editor's note refers to the use of building material colours – as above, some agricultural operations require different colour shade cloth or materials to provide the best growing conditions for what they are producing. While it's acknowledged that these should be screened to reduce amenity impacts, it is onerous for a planning scheme to be determining the materials and colours that should fit with the sites visual character, particularly in a zone which should be supporting agricultural production.</p>	<p><b>PO15 now reads as follows:</b> <b>The landscape character and visual amenity quality of hill slopes and ridgelines are retained and buildings and structures:</b></p> <ol style="list-style-type: none"> <li>a) are visually responsive to the natural topography of the site, sitting within the landscape rather than dominating it;</li> <li>b) step down slopes or use suspended floor construction; and</li> <li>c) minimise cut and fill.</li> </ol> <p>The Editor's note following AO15.5 is modified to read: <i>On visually prominent hill slopes or ridgelines residential buildings should be predominantly finished in colours and materials that blend well with the colours and hues of the surrounding vegetation and landscape without causing glare or reflection. Broad expanses of a single colour are less desirable and where possible should be broken up by other colours or design elements. Shades in the violet, blue, green and yellow green side of the spectrum as well as greys or browns should be appropriate with whites or bright colours restricted to trimmings.</i></p> <p><b>For agricultural buildings, colours and textures that blend with the natural setting are preferred however if not practical, buildings should at least be well maintained and/or visually screened.</b></p>
18	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 8 Table 8.2.4.3, PO3(b)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Reword PO3 (b) to include all marine plants not just mangroves e.g.: 'maintain or enhance coastal ecosystems and natural features such as coastal creeks, marine plants including mangroves, salt marshes, and coastal wetlands, to assist in protecting and buffering communities and infrastructure from sea-level rise and coastal inundation impacts; and'</p> <p><b>Reason:</b> Including the greater range of marine plants better complies with the legislative framework and the meaning of fisheries resources in the SPP (policy 3).</p>	<p><b>8.2.4.3 PO3 (b) now reads as follows:</b></p> <p><b>"maintain or enhance coastal ecosystems and natural features such as coastal creeks and marine plants including mangroves, salt marshes and coastal wetlands, to assist in protecting and buffering communities and infrastructure from sea-level rise and coastal inundation impacts; and"</b></p>
19	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Purpose and overall outcomes, Part (2) (b) and (c)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p>	<p><b>Overall outcomes for the Rural Zone are now:</b></p> <ol style="list-style-type: none"> <li>a) <b>Rural activities contribute to the economic strength of the Noosa hinterland and create opportunities for employment.</b></li> <li>b) <b>Animal husbandry and cropping contribute to the heritage values of the Shire.</b></li> <li>c) <b>Innovative and sustainable agricultural enterprises are particularly promoted and encouraged.</b></li> </ol>

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		<p><b>Action:</b> Remove term “traditional” and amend overall outcome to read “Agricultural practices are promoted and encouraged to locate in rural areas and contribute to the heritage values of the shire”. Reword (c) to ensure the scheme is being exclusive to particular agricultural uses.</p> <p><b>Reason:</b> The term ‘traditional’ implies that some agricultural practices are not included as a rural activity and this could constrain certain rural activities from taking place in the appropriate zone. Further, what is a “traditional” agricultural practice? What is meant by “innovative and sustainable agricultural enterprises”?</p> <p>Additionally, (c) refers to encouraging innovative and sustainable agricultural enterprises to establish in rural areas and coupled with (b), it appears the scheme is promoting certain agricultural activities over others. This is not the intention for the rural zone and it could be argued that most agricultural operations are innovative and sustainable to some degree in order to be viable in a highly scrutinised and competitive sector.</p>	<p>d) <b>Rural activities directly and indirectly support the local production of food and beverage products.</b></p> <p>e) <b>Development maintains and enhances rural landscapes and ecologically important areas.</b></p> <p>f) <b>Development is managed to protect land and water resources to avoid diminished productivity.</b></p> <p>g) <b>Rural activities are located and operated to protect and maintain water quality values of surface and groundwater.</b></p> <p>h) <b>Rural activities are separated from sensitive land uses which might be adversely affected by the activity.</b></p>
20	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Purpose and overall outcomes, Part (2) (e)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Delete (e) or reword by removing reference to “rural landscapes”.</p> <p><b>Reason:</b> In practice, how does a rural activity enhance the rural landscape? Is ploughing a field enhancing the rural landscape? To some it might be. Inclusion of this overall outcome is subjective and is likely to constrain agricultural activities in the rural zone which is contrary to the state interest for agriculture.</p> <p><b>FURTHER ADVICE:</b> DAF acknowledges this, however the conundrum is that the rural zone is for growing food etc, and if that means intensively, then without a mechanism to remove that land use from being acceptable in the rural zone, it must be supported....or at least not unfairly constrained. It’s appropriate to require developments of this nature to reduce impacts on amenity and surely this could be achieved through appropriate buffering and landscape elements? Like housing and industry, agriculture must go somewhere – and the only place for it is the rural zone.</p> <p><b>DSDMIP considers that the inclusion of rural landscapes in the purpose and overall outcomes for the Rural Activities Code does not adversely impact rural activities from occurring and provides local context for the Noosa Shire.</b></p>	<p>See above, this is an overall outcome and does not actually preclude any particular development.</p> <p>The SEQ Regional Plan goes to great lengths to acknowledge and protect landscapes - “Our regional landscapes contain a wide range of values, including biodiversity, rural production, natural economic resources, scenic amenity, cultural landscapes and outdoor recreation.” It talks about regional landscapes as our greatest assets and details the role they play in cultural heritage, biodiversity and specifically mentions productive rural landscapes. Regionally significant scenic amenity is also mapped.</p> 
21	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Aquaculture, PO18</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Reword PO18 to state: Development does not permanently alienate good quality agricultural land (see comments on the use of this term under Part C - Advice) <b>where possible.</b></p> <p><b>Reason:</b> The SPP clearly articulates that planning schemes are to “promote hard to locate intensive agricultural land uses, such as intensive animal industries, <b>aquaculture</b> and intensive horticulture in appropriate locations.”, and the State Interest guidance material for Agriculture states that it is permissible for aquaculture to be located on ALC Class A/B land where the impacts can be minimised etc.</p>	<p><b>9.3.13 PO18 now reads as “Wherever possible, development does not permanently alienate good quality agricultural land.”</b></p>
22	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Intensive Animal Industries PO23</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p>	<p><b>The Rural Zone Code includes setback provisions as follows:</b></p> <p><b>PO8</b> <b>Notwithstanding that intensive rural activities may need greater separation distances, buildings and other structures are appropriately sited and designed to:</b></p>

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		<p><b>Action:</b> Amend the performance outcome to <u>focus on intensive animal industries not causing environmental harm or environmental nuisance to sensitive land uses. Consider adding an AO that provides setbacks.</u></p> <p><b>Reason:</b> The focus should be on not causing environmental harm or environmental nuisance, as defined in the EP Act, to a sensitive land use, not at the property boundary.</p> <p>Intensive animal industry should not cause environmental nuisance, however the requirement to contain all noise, dust, light and odour within the boundary of the property is unreasonable and places unrealistic restrictions on the development of intensive rural uses in the rural zone.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p><b>FURTHER ADVICE:</b> Agree with amended PO23.</p> <p>DAF agrees that development should not cause environmental nuisance to sensitive land uses.</p> <p>However, the requirement to contain all noise, dust, light and odour within the boundary of the property is unreasonable and places unrealistic restrictions on the development of intensive rural uses in the rural zone, which is the appropriate location for all agricultural/rural uses and its development, including intensive agricultural uses.</p> <p>The focus should be on not causing environmental harm or environmental nuisance, as defined in the EP Act, to a sensitive land use, not at the property boundary.</p>	<p>a) <i>avoid environmental harm or nuisance to sensitive land uses, including adverse impacts on amenity values, over and above what could reasonably be expected in the rural zone;</i></p> <p>b) <i>avoid adverse impact on ecologically important areas including National Parks, watercourses, and wetlands;</i></p> <p>c) <i>mitigate risks associated with the use of chemicals or air pollutants;</i></p> <p>d) <i>avoid conflict with existing or future rural uses and activities on adjoining properties.</i></p> <p><b>AO8.1</b> <i>Buildings used to house animals, temporary holding yards, structures containing areas of animal waste or by-product disposal are not within 100 metres of:</i></p> <p>a) <i>the boundary of properties in a residential zone including the rural residential zone;</i></p> <p>b) <i>a sensitive land use;</i></p> <p>c) <i>the boundary of adjoining properties in the environmental management and conservation zone; or</i></p> <p>d) <i>a waterway shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p><b>AO8.2</b> <i>Buildings or structures which are used for the storage of chemicals or machinery, stockpiling of composting or organic fertilisers, or which support artificial lighting or irrigation sprayers are not within 100 metres of:</i></p> <p>a) <i>the boundary of properties in a residential zone including the rural residential zone;</i></p> <p>b) <i>a sensitive land use;</i></p> <p>c) <i>the boundary of adjoining properties in the environmental management and conservation zone; or</i></p> <p>d) <i>a waterway shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p>As detailed above within the <u>Rural Activities Code</u> we have somewhat merged provisions for animal husbandry and intensive animal industries. This code includes the following statements:</p> <p><b>PO11</b> <i>Sufficient separation distance is provided between Animal husbandry and Intensive animal industry, public spaces and sensitive land uses on other premises.</i></p> <p><b>AO11</b> <i>Irrespective of boundary setbacks for the relevant zone, area used to contain livestock intensively, whether temporarily or permanently, or waste and by-product disposal areas are located no less than—</i></p> <p>a) <i>50 metres from a road reserve;</i></p> <p>b) <i>250 metres from land in a residential zone including the rural residential zone;</i></p> <p>c) <i>40 metres from another property boundary; and</i></p> <p>d) <i>150 metres from a sensitive land use.</i></p> <p><i>provided that a mobile poultry shed housing no more than 200 birds can be as close as 40 metres to any property boundary provided it is within the setbacks specified above for no more than 2 days during any given week.</i></p> <p><b>PO12</b> <i>Sufficient separation distance is provided between livestock and ecologically important areas including national parks, waterways, water bodies and wetlands.</i></p> <p><b>AO12.1</b> <i>Buildings used to house animals, temporary holding yards, areas of waste or by-product disposal are not within 100 metres of</i></p> <p>a) <i>adjoining land in the environmental management and conservation zone; or</i></p> <p>b) <i>a waterway or wetlands as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2.</i></p> <p><b>AO12.2</b> <i>Where livestock is located on land adjoining a natural waterway or wetland (as shown on the Biodiversity, Waterways and Wetlands Overlay maps in schedule 2) fencing prevents livestock entering the waterway or riparian zone.</i></p> <p><b>PO15</b></p>
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			<i>The haulage of animals does not result in environmental nuisance to surrounding sensitive land uses.</i>
23	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, intensive horticulture and wholesale nurseries, PO25</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Reword PO25 to “manages the risk of soil erosion” or “reduces the risk of soil erosion”.</p> <p><b>Reason:</b> As it currently reads, any sort of cropping or agriculture which requires tilling of the land would not be able to meet this PO. As soon as ground is broken by a plough, the risk of soil erosion increases. As such, this provision effectively prohibits many forms of agriculture. This outcome is not consistent with the intentions of the SPP.</p>	<p><b>PO25 now reads as:</b></p> <p><b>“Development manages the risk of soil erosion or landslide and does not lead to sediments, nutrients and other chemicals flowing into drainage lines, waterways or wetlands.”</b></p>
24	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, Intensive Horticulture &amp; Wholesale Nurseries, AO26.3</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend AO26.3 to recognise that spray may be contained by intensive horticulture structures and covered areas and if this is achieved then separation distances are less relevant.</p> <p><b>Reason:</b> The rural zone should support agricultural activities and by including more criteria and the spraying with the setback distances as an acceptable outcome in certain circumstances, agricultural development may be facilitated.</p>	<p><b>AO26.3 now reads as “Unless spray is entirely contained within a structure without risk of escape...”</b></p>
25	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 9, Section 9.3.13 – Rural Activities Code, Table 9.3.13.3 – Criteria for assessment, Cropping, Intensive Horticulture &amp; Wholesale Nurseries, AO26.5</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend AO26.5 to allow for greater area of combined structures/covered areas that could be necessary for intensive horticulture and wholesale nursery activities for example, by stating the covered areas is ten per cent of the area of the lot.</p> <p><b>Reason:</b> A limit of 1,000m<sup>2</sup> for intensive horticulture structures and covered areas would limit commercial viability of intensive horticulture and wholesale nursery businesses. Unjustified restrictions on the area of these structures has the potential to limit the activity below economic levels and thus constitutes a de-facto prohibition of the activity on a commercial-scale. This is inconsistent with the intent of the SPP Agriculture Policy 4 (a).</p>	<p><b>We have added a new AO that says: “Structures and covered areas associated with intensive horticulture or wholesale nurseries do not exceed 10% of the site.”</b></p> <p><b>We’ve removed any upper limit to size.</b></p>
26	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Mapping, Agricultural Land Overlay, Agricultural Conservation Area, Maps 3 and 4</p> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Provide justification why a large area of land east of Cooroy to Tinbeerwah has been removed from the State ALC Class A/B land mapping</p> <p><b>Reason:</b> It is noted that the Agricultural Conservation Area mapping has been derived by removing a number of conflicting land uses from the ALC Class A/B land mapping, however this area of land doesn’t appear to be in the Urban Footprint or Rural Living Area of the SEQ Regional Plan, in a residential zone or within the Biodiversity Overlay of the new Planning Scheme. Rural activities should be able to be managed to reduce potential impacts on water storages.</p> <p><b>ADDITIONAL COMMENTS:</b> The council can map the land as ALC, and then have appropriate planning scheme provisions to regulate development that could impact on the water supply catchment.</p>	<p>This is the Water Resource Catchment and Water Supply Buffer as shown on the SPP mapping. Previous State Interest comments (from SEQ Water) advised agriculture was not the preferred use in that area and they wanted it to be subject to impact assessment. In the current scheme agriculture would always be assessable in the water supply catchment and going back to the 1985 scheme it was actually prohibited.</p> <p><b>We have reinstated any ALC class A or B mapping to this area however in a water resource catchment or water supply buffer area agricultural uses will be code assessable against the overlay code if they are “a rural activity storing chemicals or keeping livestock on site”.</b></p> <p><b>Table 5.9.9 has been modified and catchment relevant benchmarks shifted from the Rural Activities Code to the Regional Infrastructure Overlay Code.</b></p>

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		Development in water resource catchments and water supply buffer areas should be appropriately sited and designed to avoid the risk of sediments, nutrients and contaminants compromising the quality of the drinking water supply.	
Development and construction			
Ref. Number	Policy Element	Requirement	NSC response
27	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b></p> <ol style="list-style-type: none"> <li>Part 1, Table 5.5.5 Rural Residential – Roadside stall - Accepted development subject to requirements.</li> <li>Part 1, Table 5.5.14 Rural - Roadside stall - Accepted development subject to requirements.</li> </ol> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Include a requirement which ensures that infrastructure associated with the roadside stall is not located within a road. (i.e. roadside stalls are not accepted development if within the road). This should be included in the 'Categories of development and assessment' column in Table 5.5.5 and Table 5.5.14.</p> <p><b>Reason:</b> Roads are State owned land and as the property owner of the road, the state usually doesn't support this type of development within the road. By making this accepted development it removes the requirement for owners' consent for the development. Roadside stalls within the road need to be code assessable development which will allow the State to consider proposals as part of providing owner's consent.</p> <p>Further, it is unclear if this is the intent of Accepted Development requirement AQ6.3(c) of the Rural residential zone code. It doesn't address construction of structures or buildings within the road as the requirement in the AO is only it has to be "10 metres from road frontage".</p>	<p><b>We have modified the Tables of Assessment for Rural and Rural Residential Zones to qualify that it won't be Acceptable Development subject to requirements if it is within a road reserve. (It will be code assessable).</b></p> <p><b>Added a new AO to the Rural Residential Zone code that specifies roadside stalls no larger than 9m<sup>2</sup> may be located adjacent to (inside) the front property boundary provided safe space for parking of vehicles is also within the property boundary.</b></p>
28	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone map - Map Code: ZM-14 and section 7.2.6.2 - Purpose and Overall Outcomes</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Recognition is required in the zone map and section 7.2.6.2 of the importance and primary use of the following lots as a fire fuel control buffer between National Park (147/NPW889) and residential development:</p> <ul style="list-style-type: none"> <li>• lot 3 MCH842013</li> <li>• lot 1 AP8130</li> <li>• lot 1 AP8129</li> <li>• lot 10 MCH5425</li> <li>• lot 5 MCH842015</li> <li>• lot 8 SP104270</li> <li>• lot 7 M111117</li> <li>• lot 6 M111116</li> <li>• lot 7 MCH842016</li> <li>• lot 1 AP8132</li> <li>• lot 950 CP900487</li> <li>• lot 9 MCH842018</li> <li>• lot 1 AP8133</li> </ul> <p><b>Reason:</b> <u>With the planning scheme seeking to have more people living in this area via infill</u>, there is a need for acknowledging the importance for a sufficient fire buffer and management regime for the area. The primary use of this land is for fire management and accordingly the land should be zoned or identified to reflect this purpose rather than relying on the 'Environmental Management and Conservation' zoning. Zoning of State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can</p>	<p>The planning scheme does not suggest there will be a significant increase people in the Sunshine Beach - Peregrin Beach strip. It is in fact an area with very little "upzoning" so there is little change from existing scheme other than the same provisions as elsewhere re secondary dwellings (<u>note there are no longer dual occupancies proposed in the Low Density Residential Zone</u>).</p> <p>DNRME has agreed environmental management and conservation is the 'best fit' zone, but wants a footnote to refer to this area as being used for a fire fuel control buffer and is not a primary conservation area.</p> <p><b>We've edited 7.2.6.2 overall outcome (2) (q) to read:</b>  <b>"Development in the local plan area is supported by an extensive network of open space and passive recreation opportunities offered by the foreshore parks, reserves and Noosa National Parks. A buffer between urban development and Noosa National Park facilitates regular fire fuel reduction burning."</b></p> <p><b>At the end of PO20 we've added an Editor's Note as follows:</b>  <b>Regular hazard reduction activities occur in the fire fuel control buffer between the Noosa National Park and urban residential development. These activities are necessary to reduce risk to people and property and may have an unavoidable impact on biodiversity and habitat values.</b></p>



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		<p>also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME previously advised, that at the Whole of Government briefing, it was advised that council's vision for the scheme was to promote Secondary dwellings and particular "dual occupancies" (separate household). This is a form of infill development, and would therefore increase the amount of people living and visiting the area. Infill is not just occurring via up zoning.</p> <p>It is considered that environmental management and conservation is the 'best fit' zone, but a footnote should be used to refer to this area as being used for a fire fuel control buffer and is not a primary conservation area. Furthermore, the use of this land should be acknowledged in section 7.2.6.2 Purpose and Overall outcomes for the Coastal Communities Local Plan Code, and PO20(c) should be amended to ensure fire risk management 'can' significantly impact the biodiversity values as the area will be periodically cleared and burnt.</p>	
29	<p>Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.</p>	<p><b>Planning Scheme Reference:</b> - Zone Map: ZM-4 – Lot 7 MCH4562</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> The zoning of Lot 7 MCH4562 should be split zoned. The footprint of the airstrip should be zoned Community Facilities and the remainder of the lot should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This would more accurately reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Landing Ground for Aircraft. Only the areas which presently have landing and airstrip infrastructure are to be shown as to Community Facilities. The remaining areas contain Matters of State Ecological Significance and therefore should be zoned as Environmental Management and Conservation to reflect these values.</p> <p>Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME previously advised, that this is not the present use or approved use of the land. DNRME understands there is no date for this closure to occur and council has not sought to surrender or amend the purposes of the reserve.</p> <p>Therefore, it was recommended that the zoning be amended to reflect the approved present use as previously suggested.</p> <p>Council could also include the future intent for the area in the scheme's Strategic Framework. This could be done by acknowledging the Great Sandy Management Plan outcomes.</p> <p>Council acknowledged that zone changes in this area previously have drawn significant community interest and opposition, in terms of a zone change from Environmental Management and conservation zone to community facilities zone.</p> <p>Previous attempts to change the purpose of the reserve have been difficult, due in part to the trustee lease. Council needs to liaise with the DNRME about possible solutions as the two trustee leases combined only covers less than 2000m2 of the entire 428Ha site.</p> <p>Council intend to acknowledge the existing uses of the reserve in the strategic framework of the planning scheme.</p> <p>DNRME support councils proposed zone in the draft scheme, but the strategic framework needs to acknowledge:</p> <ul style="list-style-type: none"> <li>- the existing land use as an airstrip</li> <li>- the existing land use will not be expanded</li> </ul>	<p>The Teewah airstrip is now and has consistently been zoned for open space purposes. Council has objected to helicopter and fixed wing aircraft (other than emergency landings) on this site for some time and its use for commercial aircraft including pilot training has received significant community objection. In 2014 Noosa Council resolved to restrict use of the airstrip and sought to have the land tenure changed to open space. Showing it as an airstrip into the future is contrary to the views of Council and the community and adopted State policy.</p> <p>DA Approval was given for Transport Type 4 (aeronautical hanger) in 2010 with two extensions given – the latest granted Jan 2018. This is for hang gliders.</p> <p>The Great Sandy Management Plan first adopted by the State in 1994 and revised in 2005 states that <b>"The Noosa North Shore airstrip will be closed and added to the Cooloola Section of the Great Sandy National Park, although continued use of the area by ultralight aircraft will be permitted."</b></p> <p><b>Within the Strategic Framework we have added a new Strategic Outcome under Transport and Movement as follows:</b></p> <p><b><i>The Noosa Aerodrome off Weyba Drive, Noosaville is retained and operated as the only commercial airstrip within Noosa Shire. Use of the Noosa North Shore airstrip will not be expanded and the airstrip will ultimately be closed and added to the Cooloola Section of the Great Sandy National Park.</i></b></p>

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		- the present land use will stop in the future as per the Great Sandy Management Plan outcomes.	
30 <b>SAME PROPERTY AS ADDRESSED AT #44 BELOW</b>	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM-1 - Lot 415 MCH366</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 415 MCH366 should be rural.</p> <p><b>Reason:</b> A rural zoning would more accurately reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve for Quarry—with Noosa Shire Council as the trustee. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been be changed to Rural.
31 <b>SAME PROPERTY AS ADDRESSED AT #45</b>	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 3 – Lot 78 MCH1046</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 78 MCH1046 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Environmental Purposes. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management & Conservation.
32 <b>SAME PROPERTY AS ADDRESSED AT #46</b>	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM – Lot 17 MCH3984</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Lot 17 MCH3984 should be zoned Environmental Management and Conservation or Rural.</p> <p><b>Reason:</b> This reflect the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve—with Noosa Shire Council as the trustee—for Gravel purposes. The present scheme has this area zoned as Open Space Conservation. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management & Conservation.
33	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – lot 492 SP287419</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 492 SP287419 should be zoned Rural or Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve with Noosa Shire Council as the trustee, for Quarry. The proposed zoning of community facility zone does not contain an annotation for the intended use and does not fit with the purpose of the reserve. While this may have been the zoning under the present scheme, it no longer reflects the purpose of the reserve. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	Zone has been changed to Environmental Management and Conservation
34	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – lot 491 SP287419</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p>	Zone has been changed to Environmental Management and Conservation

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		<p><b>Advice:</b> Lot 492 SP287419 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> This zoning reflects the present land use and the land's designated purpose under the <i>Land Act 1994</i> as a reserve with Noosa Shire Council as the trustee, for Environmental Purposes. The proposed zoning of Community facility zone does not contain an annotation for the intended use and does not fit with the purpose of the reserve. While this may have been the zoning under the present scheme, it no longer reflects the purpose of the reserve. Zoning State-owned land plays a role in addressing community needs and expectations. By local government undertaking appropriate consultation with the State, planning schemes can also deliver public benefits by appropriately zoning State-owned land to meet State and local government operational requirements and community needs.</p>	
35	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 5 - Lot 1 MCH842782</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> Lot 1 MCH842782 should be zoned Environmental Management and Conservation</p> <p><b>Reason:</b> The lot is Unallocated State Land and is proposed to be included into the adjoining protected area estate. This reflects the State's future aspirations for the site. The site also contains areas of Matters of State Ecological Significance and these areas should be in a conservation zone.</p>	<b>Zone has been changed to Environmental Management and Conservation</b>
36	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 12 – Noosa River area in Noosaville</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Advice:</b> The Noosa River Marine Facility Leases in the Noosaville locality are not zoned consistently; the majority are zoned Recreation and Open Space. There are two lots which are not zoned and should be zoned.</p> <p><b>Reason:</b> While the Recreation and open space zone isn't a perfect fit for the marine facility leases, the zone code and local plan code provisions address Council's intentions for the Noosaville foreshore. For consistency, all leases should be zoned to ensure it is clear that further commercial development on or along the river is limited by the Performance Outcomes in the <i>Noosaville local plan code – Noosa River, PO23-27</i>.</p>	<b>All commercial leases in the Noosa River along Gympie Terrace have now been zoned Recreation and Open Space.</b>
37	Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	<p><b>Planning Scheme Reference:</b> Table 6.6.1.3 Criteria for assessment – PO7</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Advice:</b> Define the use terms used in PO7: the recreation and open space zone code has a performance outcome (PO7) that relates to 'temporary.... outdoor entertainment events', yet this use term is not defined and has no criteria or guidance given for the intended meaning.</p> <p><b>Reason:</b> Lot 92 MCH5166 is identified on Zone Map: ZM-12 as 'recreation and open space zone'. This lot is State-owned land with a land lease for the granted purpose of 'recreation'. Some types of outdoor entertainment, depending on the scale and impacts, could potentially conflict with the purpose of the lease. The lease plays an important role in serving the recreation needs of the community, and in turn, the neighbouring community has expectations regarding how the land is to be used. The community should have a clear understanding about the types of uses that are consistent with the leases purpose, and the types of uses that require development approval. Therefore, the planning scheme should include criteria or a definition regarding what constitutes a temporary outdoor entertainment event.</p> <p><b>Additional Advice:</b> There are examples of this property being previously used for helicopter joy rides and music festivals which has had significant impacts on amenity, safe traffic environment and character of the surrounding area.</p>	<p>Lot 92MCH5166 is the Aussie Rules football field where the farmers markets are held as well as the occasional circus. Apparently, there has been instances of inappropriate festival or concert events which have caused concern. DNRME suggest there's something lacking in the property management process for events.</p> <p>It is common for sports grounds and other areas of open space to host occasional events. For example at Tewantin sports ground a rodeo one night every year event occurs. At a show ground you occasionally get some inflatable water world for a few days in summer school holidays. On Gympie Terrace foreshore and at the Woods near Hastings Street there are often one-day community events or festivals.</p> <p><b>PO7 now reads as</b>  <b>"Temporary uses, such as markets or outdoor entertainment events, are supported by existing facilities and do not significantly impact on the amenity, safe traffic environment and character of the surrounding area."</b></p> <p>"Temporary uses" is a term defined by the Planning Regs and included in the administrative definitions of the scheme. It is suggested that it may be management problem if inappropriate events are being approved and that particularly loud events could not possibly meet that PO. Obviously temporary uses are not to be repeated on a regular (e.g. fortnightly or monthly) basis.</p> <p>That PO applies to the zone not one specific site. The table of development specifies the consistent uses.</p>

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		Without a definition of temporary or periodic events this PO is unmeasurable.	
Mining and extractive resources			
Ref. Number	Policy Elements	Requirement	NSC response
38	Extractive resources are protected and mineral, coal, petroleum and gas resources are appropriately considered to support the productive use of resources, a strong mining and resource industry, economical supply of construction materials, and avoid land use conflicts where possible.	<p><b>Planning Scheme Reference: Overlay map</b> – Extractive resources showing Key Resource Areas (KRA)</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Change the extent of the Wahpunga Range KRA 57 to be consistent with the current SPP mapping.</p> <p><b>Reason:</b> Although it was envisaged that amendments to the extent of the Wahpunga Range KRA 57 would be made before the scheme was finalised for state interest review, this has not yet occurred and it would be premature to advertise the planning scheme with revised KRA boundaries when these have yet been approved by the Minister for Planning and therefore reflected in the SPP mapping. It is suggested that a footnote be included, noting that the KRA shown in the scheme is consistent with the SPP but that there are proposed changes to the boundary and directing the public to contact the council for further information.</p>	<p><b>Overlay mapping has been changed and a footnote added.</b></p> <p>We note however that DNRME have completed consultation on a revised shape and are now preparing a consultation report that will be forwarded from the Minister for Natural Resources Mines and Energy to the Minister for State Development, Infrastructure and Planning recommending the proposed amendment for adoption in the State Planning Policy Guidelines.</p> <p>Should the proposed amendment to KRA57 be resolved prior to State sign off, Council will reflect the revised boundary in the scheme.</p>

### Planning for the environment and heritage

Biodiversity			
Ref. Number	Policy Elements	Requirement	NSC response
39	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Strategic Framework</p> <p><b>Integration of state interest:</b> Integrated</p> <p><b>Action:</b> Identify the extent of the UNESCO Noosa Biosphere – does it encompass the whole local government area?</p> <p><b>Reason:</b> It's unclear what the extent of the biosphere is.</p>	Yes it does encompass the whole Shire – 3.2.2 of the Strategic Framework says “ <i>In September 2007, Noosa Shire was declared a Biosphere Reserve under UNESCO’s Man and the Biosphere Program in recognition of the commitment by the community to environmental excellence and the pursuit of ecologically sustainable development.</i> ”
40	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> 8.2.2.3. PO3 – Biodiversity Overlay Code, Biodiversity mapping layer</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Clearly identify locations subject to Koala Assessable Development Areas (KADA) requirements and areas of MSES and MLES.</p> <p><b>Reason:</b> Acknowledgement is given to the work involved to map koala habitat within the local government area and for use within the Biodiversity Overlay. Support is given for the shire-wide avoidance requirement in the overlay code. For clarity, the mapping and code could clarify the extent of the KADA within the local government area and the extent of MLES and MSES for the purposes of clarifying the extent of MSES for offset requirements under the <i>Environmental Offsets Act 2014</i> – this is necessary, because local government can only require offsets for MLES, and not MSES. The Department of Environment and Science offers assistance to work directly with the council to finalise mapping and code requirements, particularly where they relate to koalas and offsets.</p> <p><b>ADDITIONAL COMMENTS:</b> DES previously advised that the mapping of the extent of the KADA is supported.</p> <p>However, further work is required to differentiate the extent of MLES and MSES for the purposes of clarifying the extent of MSES for offset requirements under the <i>Environmental Offsets Act 2014</i>. This is necessary because local government can only require offsets for MLES, and not MSES. The Department of Environment and Science offers assistance to work directly with the council to finalise mapping and code requirements, particularly where they relate to koalas and offsets.</p> <p>DES and DSDMIP met with the council on 28/8/18, where the MSES requirements were explained.</p> <p>It was agreed that the council would provide the mapping methodology for the Koala Habitat Area map to DES and DSDMIP and DES could provide confirmation about the methodology being satisfactory. Council has provided this mapping.</p>	<p>Koala Habitat Map has been changed to show the Koala Assessable Development Area.</p> <p><b>Following discussions with the DES, council has added category C and A mapping and Legally secured offset areas to the Biodiversity Overlay ‘Area of Biodiversity Significance’.</b></p> <p><b>A new layer has been added to this biodiversity overlay map to show all the SPP MSES map layers as a separate layer (except for category R regulated veg which is now shown on the second biodiversity map). This will help distinguish the locally significant veg from the MSES. The following note has been added to the map to explain this:</b></p> <p><b><i>MSES environmental values represent the State Planning Policy Matters of State Environmental Significance (MSES) map layers. However, it does not include Category R regulated vegetation – this is shown on the Biodiversity, Waterways and Wetlands Overlay (ii) as part of the Riparian Buffer Area.</i></b></p> <p><b>The Category R regulated veg layer for the Great Barrier Reef regrowth watercourse veg is to be shown on the</b></p>

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		<p>DSDMIP advised that the SPP requires MSES to be identified and that development is located in areas that avoid adverse impacts, or where adverse impacts cannot be reasonably avoided, they are minimised (HOWEVER, the planning scheme must not include assessment criteria for MSES which duplicate a state assessment process – this includes MSES that is koala habitat) – see section 2 of the guidance material for biodiversity for guidance on how to appropriately integrate the policy for MSES. Council will revisit planning scheme provisions which rely on the biodiversity overlay to ensure there's no duplication of assessment with the state process.</p> <p>DSDMIP reminded the council that MSES is made up of lots and lots of different datasets – they are defined in Part G of the SPP, and spatially represented on the SPP interactive mapping system where possible. Part 3 of the guidance material for biodiversity also provides further guidance on mapping. It's worth noting that least concern REs are not MSES, but are still an environmental value that the local government could map. The guidance document provides a list of some of the other environmental values that aren't considered MSES.</p> <p>Additional action for council:</p> <ul style="list-style-type: none"> <li>In regards to Matters of National Environmental Significance (MNES), the SPP requires local government planning schemes ensure development is located in areas to avoid significant impacts on MNES and considers the requirements of the Environment Protection and Biodiversity Conservation Act 1999. Given the way the planning scheme currently shows biodiversity in the overlay map, it's unclear if the council has complied with this policy.</li> <li>Currently, the only MSES for which a local government can require offsets, is non-juvenile koala habitat trees as defined in Schedule 24 of the Planning Regulation 2017. The Planning Regulation 2017, Schedule 11 has the assessment benchmarks for development in a koala habitat area that the local government, as assessment manager must assess against. The Noosa Shire contains Koala assessable development areas (KADA). The council could provide a note on the map and/or in the planning scheme about the assessment requirements under the Planning Regulation 2017.</li> </ul>	<p>second Biodiversity Overlay Map with the waterways and riparian buffers with the following note added to the map:</p> <p><i>The Riparian Buffer Area shows protective buffers for mapped waterways across Noosa Shire and incorporates the State Planning Policy Matters of State Environmental Significance (MSES) map layer for Category R Regulated Vegetation areas in the Mary River Catchment.</i></p> <p>Council has provided DES and DSDMIP with a copy of the methodology for the Koala Mapping from Healthy Land and Water, as well as map files for koala and riparian buffer areas and awaits state response.</p>
41	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> 8.2.2.3, AO4.3 – Biodiversity Overlay Code</p> <p><b>Integration of state interest:</b> <i>Integrated</i></p> <p><b>Advice:</b> The Department of Environment and Science is currently working with Bundaberg Regional Council regarding more detailed development codes for lighting impact on turtles. As this work progresses in 2018, further details can be provided to the council for incorporation into the draft planning scheme. Similarly, mapping can be provided to the council which confirms the extent of known turtle beaches for inclusion in the planning scheme.</p> <p>In regard to terminology, it's preferable to refer to turtles as marine turtles, no sea turtles.</p> <p><b>Reason:</b> The proposed reference to lighting impact on marine turtles and nesting beaches is supported however refinement of these types of provisions may become available for inclusion in the planning scheme prior to its finalisation. Note that this code is likely to be associated with mapping of the relevant parts of the coastal zone to be subject to specific lighting requirements.</p> <p><b>ADDITIONAL COMMENTS:</b> Regarding suggested turtle lighting policy, DES will be in a position to provide policy direction in late 2018 as work progresses at Bundaberg with DSDMIP. DES will advise when policy is available.</p>	Council is happy to incorporate any additional provisions and mapping in the planning scheme for marine turtles when this information is available from DES. <b>References to turtles have been changed to 'marine turtles'.</b>
42	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Table 8.2.2.3, PO1, PO11 – Biodiversity Overlay Code</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Where in a KADA area, align clearing requirements in the PO1 and PO11 of the Biodiversity Overlay Code to reflect the koala habitat provisions of the Planning Regulation 2017, which limits clearing of high value koala habitat areas (ie limit total cleared areas associated with development to 500m2 and extractive industry and other areas to 5,000m2). Outside of KADA areas, consider applying the same provisions for consistency. Also, add an editor's note referring to the relevant parts of the Planning Regulation 2017 (koala habitat areas).</p> <p><b>Reason:</b> Proposed AOs regarding clearing in koala areas are inconsistent with the provisions of Schedule 10, Part 10 and Schedule 11 of the Planning Regulation 2017 regarding the KADAs in the Noosa Shire.</p> <p><b>ADDITIONAL COMMENTS:</b> DES accepts council's 'exempt clearing' approach for koala habitat outside the PKADA and KADA areas if it does not permit greater areas of clearing than the current Planning Regulation 2017 requirements. The State has commenced reviewing the planning framework as it relates to koala habitat and this new policy may be implemented during the life of this scheme review. DES will keep DSDMIP and council informed on progress.</p> <p>DSDMIP comment – in regard to AO11.6, please make sure the wording is clear and specific about what part of Schedule 11 the AO requires.</p>	<p>The Biodiversity Overlay can reference the koala habitat provisions in the Planning Regulation for all clearing of koala habitat whether inside or outside a KADA. Wording changed to:</p> <p><b>AO11.6</b> <i>During construction, measures are incorporated to not increase the risk of death or injury to koalas, including koala requirements for native vegetation clearing set out in Schedule 11 of the Planning Regulation 2017.</i></p> <p><b>Council is of the understanding that all of Schedule 11 would be relevant.</b></p> <p>Council does not support the inclusion of any additional clearing exemptions for koala habitat beyond the proposed exemptions, defined as 'exempt clearing'. This allows for better protection of both local and state significant koala habitat as it does not set an arbitrary limit to the total cleared areas but ensures clearing that is only reasonably necessary for the development intended for that site. Other provisions in the code help ensure development impacts are minimised.</p>

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			Council notes DES's comments about their policy review and we await the results. The 'exempt clearing' approach does not permit greater clearing than what is allowed under the Planning Regs. No further action required.
43	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Bushfire management Table 8.2.2.3 Criteria for assessable development</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Amend the code to ensure that the bushfire management measures are carried out on the property subject to development, not any adjoining property. For example: PO12 Bushfire management measures are adopted on the subject lot...</p> <p><b>Reason:</b> Clearing for bushfire management measures should be undertaken on the property subject to the development not adjoining property (this includes State owned land).</p>	Council added new AO - AO8.3 "Bushfire management measures are carried out on the subject property and not any adjoining property."
44 SAME SITE AS ADDRESSED IN 30 ABOVE	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 1 - Lot 415 MCH366</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 415 MCH366 should be Rural.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a rural zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a rural zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Rural
45 SAME PROPERTY AS ADDRESSED IN #31	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 3 – Lot 78 MCH1046</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The zoning of lot 78 MCH1046 should be zoned Environmental Management and Conservation.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Environmental Management & Conservation
46 SAME PROPERTY AS ADDRESSED IN #32	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 4 – Lot 17 MCH3984</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Lot 17 MCH3984 should be zoned Environmental Management and Conservation or Rural.</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone or a rural zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Zone has been changed to Environmental Management & Conservation.
47	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 11 – Lot 372 MCH3843</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 372 MCH3843 should be zoned Environmental Management and Conservation, and the areas which are not MSES zoned Recreation and Open Space</p> <p><b>Reason:</b> The lot contains areas of MSES and should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) by avoiding 'up-zoning' land. By retaining a conservation zone over MSES, this will prevent those areas being considered an 'urban area' under the <i>Planning Regulation 2017</i> and prevent 'exempt clearing work' (i.e. accepted development) from occurring.</p>	Split zoning has been reapplied so biodiversity values and MSES included in Environmental Management & Conservation.
48	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 12 - Lot 801 SP153455</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 801 SP153455 should be zoned Environmental Management and Conservation and the areas which are not MSES zoned Community Facilities.</p> <p><b>Reason:</b> The lot contains areas of Matters of State Ecological Significance and these areas should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) through the use of zones which are not</p>	Council believes this is inconsistent with how all other schools have been treated given Noosaville State School, Pomona State School, Noosa District High (both Pomona and Cooroy Campuses), Noosa Christian Collage at Cooroy and Sunshine Beach Primary School all contain MSES and yet are all entirely within the Community Facilities Zone.

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		<p>up zoning. This also prevents the area being considered an 'urban area' under the <i>Planning Regulation 2017</i> and then being 'exempt clearing work' (i.e. accepted development).</p> <p><b>ADDITIONAL COMMENTS:</b> DSDMIP has recently added an infrastructure designation layer to the SARA DA Mapping System. A review of this layer shows that there is no infrastructure designation on this lot.</p> <p>The subject vegetation is least concern veg, and essential habitat (which makes it MSES). The subject vegetation is covered by the 'Area of biodiversity significance' overlay area on the proposed Biodiversity, Waterways and Wetlands Overlay map.</p> <p>This issue is not a matter of consistency with other school sites, but is about up-zoning (Current zone – Split community services / open space conservation. Proposed zone – Wholly community facilities).</p>	<p>The zoning of St Teresa's as with the rest of the Doonella Noosa Estate was put in place before all the development occurred and there was an approved masterplan that indicated where eventual land uses would occur. It was important to assure development of the school respected the vegetation on site. For this reason Council has a biodiversity overlay that covers the vegetation.</p> <p><b>Council will reinstate the split zoning of St Teresa's school at Noosaville as requested.</b></p>
49	Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.	<p><b>Planning Scheme Reference:</b> Zone Map: ZM 13 - Lot 1 SP239726</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Advice:</b> The areas of MSES in Lot 1 SP239726 should be zoned Environmental Management and Conservation, and the areas which are not MSES zoned Recreation and Open Space.</p> <p><b>Reason:</b> The lot contains areas of Matters of State Ecological Significance and these areas should remain in a conservation zone as per the existing scheme. Significant adverse impacts on MSES can be minimised (mitigated) through the use of zones which are not up zoning. This also prevents the area being considered an 'urban area' under the <i>Planning Regulation 2017</i> and then being 'exempt clearing work' (i.e. accepted development).</p> <p><b>ADDITIONAL COMMENTS:</b> It is unclear why this change 'would prevent another sports ground' as suggested in Council's comment. As part of the development assessment of any proposal (e.g. a sporting field), the on-ground extent of the vegetation is assessed.</p> <p>DNRME's advice reflects the mapped values of the site and would set a level of assessment for any development on the site.</p> <p>Furthermore, there may be some confusion caused by the size and configuration of Lot 1 SP239726. DNRME's comments related to the proposed zoning change adjacent to the sports fields, and did not relate to changes adjacent to the Noosa Heads Police Station.</p> <p>The area adjacent to the Police Station has a small amount of land that was previously Open Space Conservation that is proposed to be zoned Community Facilities. However, DNRME acknowledges that overall the outcome will be a net reduction in Community Facilities zoning in this area via a reconfiguration of the zoning. Therefore, DNRME supports the proposed change adjacent to the Police Station.</p>	<p>DNRME supports the proposed change adjacent to the Police Station for the Shine Houses.</p> <p>In relation to the expansion of Girraween sports fields, Council will not pursue this right now. The LGIP still identifies a shortfall / broader need in the area generally but it may need to be met elsewhere depending on land constraints.</p>
Coastal environment			
Ref. Number	Policy Elements	Requirement	NSC response
50	The coastal environment is protected and enhanced, while supporting opportunities for coastal-dependant development, compatible urban form, and maintaining appropriate public use of and access to, and along, state coastal land.	<p><b>Planning Scheme Reference:</b> 8.2.4 – Coastal Protection Overlay Code and Coastal Protection Overlay</p> <p><b>Integration of state interest:</b> <i>State interest integrated however more information required</i></p> <p><b>Action:</b> Provide coastal hazard area mapping</p> <p><b>Reason:</b> The code provisions associated with development in relation to the coastal hazard area are supported subject to sighting the coastal hazard area maps.</p> <p><b>ADDITIONAL COMMENTS:</b> <u>The technical details on the Q100 report are still being reviewed. Further advice will follow if there are any technical matters requiring review.</u></p>	<p>The Coastal Hazards Assessment Report March 2018 has been uploaded to eplanning portal.</p> <p><b>DES is still reviewing the technical details on the Q100 report and will advise further if there are any technical matters requiring review.</b></p>
Cultural heritage			
Ref. Number	Policy Elements	Requirement	NSC response
51	The cultural heritage significance of heritage places and heritage areas, including places of Aboriginal and Torres Strait Islander cultural heritage, is conserved for the benefit of the	<p><b>Planning Scheme Reference:</b> 8.2.7 – Heritage Overlay Code</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Revise by adding a statement about the local heritage significance of the local cultural heritage significance of the place or area (Noosa Local Heritage Register).</p>	<p>The Historical Cultural Heritage of Noosa Shire 2002 report has been uploaded to the eplanning portal. It includes an historical overview and context for approximately 180 local heritage places. The report and citations require updating and review. This will be completed next calendar year as resources allow. If this review recommends changes to the listings, maps or</p>

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	community and future generations	<p><b>Reason:</b> The SPP requires the identification of local heritage places including a statement of local cultural heritage significance. Whilst the character areas contain requirements for places within the character areas, there is a lack of statements of local heritage significance for local heritage places outside the character areas.</p> <p><b>ADDITIONAL COMMENTS:</b> It is acknowledged that further work will proceed next year regarding the local heritage place statements of significance. This is an important element to satisfy the SPP cultural heritage state interest.</p>	provisions of the scheme, a scheme amendment will be pursued as a result.				
Water quality							
Ref. Number	Policy Elements	Requirement	NSC response				
52	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference:</b> 9.4.9.3 – Stormwater quality and protection of receiving waters PO6</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> AO6.2 to include reference to design objectives for gross pollutants (90% for &gt;5mm) in accordance with Appendix 2 of the SPP.</p> <p><b>Reason:</b> The contents of Appendix 2 are not fully reflected in the code.</p>	<p>The wording has been changed to include reference to the design objectives for gross pollutants as follows:</p> <p><b>AO6.2</b> <i>All stormwater runoff is treated to achieve maximum removal of nutrients, gross pollutants and suspended solids as determined by cost to efficiency ratios. (e.g. bioretention basins must be sized to achieve at least 80% reduction in total suspended solids, 60% reduction in total phosphorous, 45% reduction in total nitrogen and 90% reduction in gross pollutants &gt;5mm).</i></p>				
NEW COMMENTS FROM SEQWATER							
a	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference: Strategic Framework 3.3.4 Biodiversity and Environment</b></p> <p><b>Action:</b> Please insert the following to point (h) (h)The quality and quantity of groundwater, surface water and wastewater discharge is optimised to minimise impacts to receiving waters, maximise opportunities for reuse, recovery and groundwater recharge, protect drinking water supply through provision of appropriate buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability.</p> <p>Also please make the following a separate point (...)Enhance opportunities for agriculture, fisheries, tourism and recreation where possible meeting (h).</p> <p><b>Reason:</b> The SPP requires that water quality be maintained and improved in drinking water catchments. There are a few minor amendments that will improve the protection of drinking water quality. The importance of the protection of water quality and the water supply catchment areas are integral to the viability of a sustainable future. This change highlights the importance of buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability.</p>	<p>3.3.4 (h) now reads:</p> <p><i>The quality and quantity of groundwater, surface water and wastewater discharge is optimised to minimise impacts to receiving waters, maximise opportunities for reuse, recovery and groundwater recharge, protect drinking water supply through provision of appropriate buffers and setbacks for new development to waterways and drinking water storages to maintain the quality of urban water supplies and future catchment viability. The high quality of waters also enhance opportunities for agriculture, fisheries, tourism and recreation.</i></p>				
b	The environmental values and quality of Queensland waters are protected and enhanced.	<p><b>Planning Scheme Reference: Cooroy Local Plan</b></p> <p><b>Action:</b> Please insert a relevant Purpose statement and Overall Outcome to provide line of sight in the Local Plan.</p> <p><b>Reason:</b> The Cooroy Local Plan contains two POs relevant to drinking water quality.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p> </td> <td style="width: 50%; padding: 5px;"> <p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p> </td> </tr> <tr> <td style="padding: 5px;"> <p><b>PO24</b> The number and location of access points to watercourses is controlled and managed to prevent adverse impacts on water quality in Lake Macdonald.</p> </td> <td style="padding: 5px;"> <p>No acceptable outcome provided</p> </td> </tr> </table>	<p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p>	<p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p>	<p><b>PO24</b> The number and location of access points to watercourses is controlled and managed to prevent adverse impacts on water quality in Lake Macdonald.</p>	<p>No acceptable outcome provided</p>	<p>New Overall outcome has been added to Cooroy Local area Plan as follows:</p> <p><i>The protection of water quality within Lake Macdonald and waterways that drain to it is a paramount factor in consideration of development within the water supply catchment.</i></p>
<p><b>PO23</b> Development does not adversely impact on the Lake Macdonald water supply.</p>	<p>No acceptable outcome provided</p> <p><i>Editor's Note— Section 8.2.9 (Water Resources &amp; Gas Pipeline Overlay code) sets out requirements for the provision of the Lake Macdonald Water Supply catchment.</i></p>						
<p><b>PO24</b> The number and location of access points to watercourses is controlled and managed to prevent adverse impacts on water quality in Lake Macdonald.</p>	<p>No acceptable outcome provided</p>						



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<p>c</p>	<p>The environmental values and quality of Queensland waters are protected and enhanced.</p>	<p><b>Planning Scheme Reference: Table 8.2.9.3 Criteria for assessable development- Water Resources</b></p> <p><b>Action:</b> Please insert additional POs in table 8.2.9.3</p> <table border="1" data-bbox="774 283 2033 577"> <tr> <td>Development within a Water supply buffer does not include the incineration or burial of waste and all other waste is collected and stored in weather proof, sealed waste receptacles, located in rooted and bunded areas, for disposal by a licenced contractor.</td> <td>No acceptable outcome provided</td> </tr> <tr> <td>Management, handling and storage of hazardous chemicals (including fuelling of vehicles) within a Water supply buffer, is undertaken in secured, climate controlled, weather proof, level and bunded enclosures.</td> <td>No acceptable outcome provided</td> </tr> <tr> <td><b>Development maintains an adequate separation distance and avoids areas of potential flood inundation to protect waterways or water supply sources.</b></td> <td><b>Development complies with the separation distances by stream order as specified in Table X.</b></td> </tr> </table> <table border="1" data-bbox="795 577 1448 1333"> <tr> <td>Intensive animal industry</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Aquaculture</td> <td>Case-by-case basis</td> <td>Case-by-case basis</td> </tr> <tr> <td>All other agricultural or forestry land uses</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Extractive industry</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>All other industrial uses</td> <td>100m</td> <td>100m</td> </tr> <tr> <td>Motor sport facility</td> <td></td> <td></td> </tr> <tr> <td>Outdoor sport and recreation</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>Major sport, recreation and entertainment facility</td> <td></td> <td></td> </tr> <tr> <td>Service station</td> <td>50m</td> <td>100m</td> </tr> <tr> <td>All other development types</td> <td>50m</td> <td>100m</td> </tr> </table> <p style="text-align: right;"><b>Table X</b></p> <p><b>Reason:</b> The addition of these items strengthens this code to meet the intent of the drinking water quality objectives. These items are not specifically picked up in the Water Quality and Drainage Code.</p>	Development within a Water supply buffer does not include the incineration or burial of waste and all other waste is collected and stored in weather proof, sealed waste receptacles, located in rooted and bunded areas, for disposal by a licenced contractor.	No acceptable outcome provided	Management, handling and storage of hazardous chemicals (including fuelling of vehicles) within a Water supply buffer, is undertaken in secured, climate controlled, weather proof, level and bunded enclosures.	No acceptable outcome provided	<b>Development maintains an adequate separation distance and avoids areas of potential flood inundation to protect waterways or water supply sources.</b>	<b>Development complies with the separation distances by stream order as specified in Table X.</b>	Intensive animal industry	50m	100m	Aquaculture	Case-by-case basis	Case-by-case basis	All other agricultural or forestry land uses	50m	100m	Extractive industry	50m	100m	All other industrial uses	100m	100m	Motor sport facility			Outdoor sport and recreation	50m	100m	Major sport, recreation and entertainment facility			Service station	50m	100m	All other development types	50m	100m	<p>We have amended the table of development for the catchment area so agricultural uses are no longer exempt and will be code assessed against the overlay code.</p> <p>We've added the PO's and AO requested but have moved the catchment AOs from the Rural Activities use code to the Regional Infrastructure Overlay code so agriculture will have the relevant quantitative benchmarks in the overlay code (rather than in the use code) – upshot of this being that outside the mapped catchment there are no requirements.</p> <p>New table has been inserted and referenced as follows:  <b>Table 3.2.9.3A - Separation distances to waterways and water supply sources</b></p> <table border="1" data-bbox="2131 640 2775 976"> <tr> <td>Intensive animal industry</td> <td>50 metres</td> <td>100 metres</td> </tr> <tr> <td>Aquaculture</td> <td>Case-by-case basis</td> <td>Case-by-case basis</td> </tr> <tr> <td>All other agricultural or forestry land uses</td> <td>50 metres</td> <td>100 metres</td> </tr> <tr> <td>Extractive industry</td> <td>50 metres</td> <td>100 metres</td> </tr> <tr> <td>All other industrial uses</td> <td>100 metres</td> <td>100 metres</td> </tr> <tr> <td>Outdoor sport and recreation</td> <td>50 metres</td> <td>100 metres</td> </tr> <tr> <td>Major sport, recreation and entertainment</td> <td></td> <td></td> </tr> <tr> <td>Service station</td> <td>50 metres</td> <td>100 metres</td> </tr> <tr> <td>All other developments</td> <td>50 metres</td> <td>100 metres</td> </tr> </table>	Intensive animal industry	50 metres	100 metres	Aquaculture	Case-by-case basis	Case-by-case basis	All other agricultural or forestry land uses	50 metres	100 metres	Extractive industry	50 metres	100 metres	All other industrial uses	100 metres	100 metres	Outdoor sport and recreation	50 metres	100 metres	Major sport, recreation and entertainment			Service station	50 metres	100 metres	All other developments	50 metres	100 metres
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<p>d</p>	<p>The environmental values and quality of Queensland waters are protected and enhanced.</p>	<p><b>Planning Scheme Reference: Wastewater management and effluent disposal Table 9.4.9.3 Criteria for assessment</b></p> <p><b>Action:</b> Consider adding more details to the note to strengthen the note for onsite effluent treatment and disposal</p> <p><b>Editor's Note—The Plumbing and Drainage Act 2003 sets out requirements for onsite effluent treatment and disposal.</b>  <u>The Queensland Plumbing and Wastewater Code and associated guidelines are used to confirm the suitability of each site to accommodate an on-site sewerage facility; or where a centrally located group collection treatment system is proposed, confirmation as to the suitability of the designated site to accommodate the on-site sewerage facility. Additionally, where the combined total peak design capacity of effluent treatment is less than 21 equivalent persons,</u></p>	<p><b>Editor's note expanded as requested.</b></p>																																																															

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	<p><i>the design of the system achieves a low to medium risk classification in accordance with Seqwater's Land Use Risk Tool for onsite sewerage facilities.</i></p> <p><b>Reason:</b> This amendment provides clarity for onsite effluent treatment requirements. The Plumbing and Drainage Act and Queensland Plumbing and Wastewater Code do not have requirements regarding pathogens and other factors which can impact drinking water quality objectives. This is inbuilt into Seqwater's Land Use Risk Tool for onsite sewerage facilities. This tool will be available online soon.</p>	
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### Planning for safety and resilience to hazards

Emissions and hazardous activities			
Ref. Number	Policy Element	Requirement	NSC response
53	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b> Strategic framework – Acid Sulfate Soils</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> Amend the provision on Acid Sulfate Soils (ASS) to achieve the intent of the following: The disturbance of acid sulfate soils should be avoided where possible. Where disturbance is unavoidable, the disturbance should be minimised or managed to prevent the mobilisation and release of acid, iron and other contaminants.</p> <p><b>Reason:</b> Avoiding disturbance of ASS should always be the management control applied in the first instance as stated in policy 7 of this state interest in the SPP.</p>	<p><b>Wording in Strategic Framework Strategic intent 3.2.9 has been changed as follows:</b></p> <p><b><i>Low lying areas across Noosa Shire contain acid sulfate soils that, if exposed, can result in damage to buildings, assets, infrastructure and the local environment. The disturbance of acid sulfate soils is avoided where possible. Where disturbance is unavoidable, the disturbance should be minimised or managed to prevent the mobilisation and release of acid, iron and other contaminants. Areas subject to potential acid sulfate soils are shown on the Acid Sulfate Soils Overlay Maps in Schedule 2.</i></b></p>
54	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b> Strategic framework – Abandoned mines</p> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> In the strategic framework, acknowledge that the local government area contains hazards relating to former mining activities (i.e. Abandoned Mines including disused underground mines, tunnels and shafts)</p> <p>A footnote or link could be provided in the scheme that refers to the following information:</p> <ul style="list-style-type: none"> <li>Historic information relating to abandoned mines is held by the Department of Natural Resources, Mines and Energy.</li> <li>Information about specific historic mining sites can be obtained from the Abandoned Mines Unit <a href="mailto:abandonedmines@dnrm.qld.gov.au">abandonedmines@dnrm.qld.gov.au</a> or by contacting 13QGOV (13 7468).</li> <li>Visit the Queensland Government website for more information on abandoned mines <a href="http://www.qld.gov.au/environment/land/abandoned-mines/">www.qld.gov.au/environment/land/abandoned-mines/</a>.</li> </ul> <p>The strategic framework could also include a comment such as: <i>“Sensitive land uses are protected from the impacts of these former mining activities and related hazards.”</i></p> <p><b>Reason:</b> The scheme makes no reference to this hazard, as required by policy 4 of the state interest.</p> <p><b>ADDITIONAL COMMENTS:</b> DNRME provided their preferred wording to align with the soon-to-be-released SPP guidance material.</p>	<p><b>Additional wording added to Strategic Intent 3.2.9:</b></p> <p><b><i>“Noosa Shire contains hazardous abandoned mines relating to former mining activity, including disused underground mines, tunnels and shafts. Information on abandoned mines can be obtained by visiting the Queensland Government website for more information <a href="http://www.qld.gov.au/environment/land/abandoned-mines/">www.qld.gov.au/environment/land/abandoned-mines/</a> and additional information on historic mining activities can be gained from the Minesonlinemaps <a href="https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/minesonlinemaps">https://www.business.qld.gov.au/industries/mining-energy-water/resources/minerals-coal/online-services/minesonlinemaps</a>. Note: This mapping does not spatially represent all former mining activities in the Council area, and their extent. However, these mining layers do give an indication of where there is an increased risk of hazards from former mining activities so that further geotechnical investigations can be undertaken where necessary.”</i></b></p> <p><b>Additional strategic outcome 3.3.8 added:</b> <b><i>“Sensitive land uses are protected from the impacts of former mining activities and related hazards”.</i></b></p>
55	Community health and safety, and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.	<p><b>Planning Scheme Reference:</b></p> <ul style="list-style-type: none"> <li>section 8.2.9.2(2)(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code</li> <li>table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <p><b>Integration of state interest:</b> <i>State interest not integrated</i></p> <p><b>Action:</b> The focus of the code needs to be changed to focus on protecting the approved pipeline corridor rather than the pipeline. Below are recommended provisions.</p>	<p><b>Overall outcomes sought for the Regional Infrastructure overlay code include the following:</b></p> <p><b>For Major Energy Infrastructure:</b></p> <ol style="list-style-type: none"> <li><b><i>Development provides for adequate separation from the Powerlink Transmission Line Corridor.</i></b></li> <li><b><i>Development avoids compromising the operation of major electricity infrastructure including the Powerlink Transmission Line.</i></b></li> <li><b><i>The number of people exposed to the potential adverse impacts of major electricity infrastructure is minimised.</i></b></li> <li><b><i>Development provides for adequate separation from the gas pipeline and corridor.</i></b></li> </ol>

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		<ul style="list-style-type: none"> <li>Section 8.2.9.2(2)(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code             <ul style="list-style-type: none"> <li>(b) For the gas pipeline corridor and buffer area:                 <ul style="list-style-type: none"> <li>(i) Development provides for adequate separation from the gas pipeline corridor.</li> <li>(ii) Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</li> <li>(iii) Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</li> <li>(iv) The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</li> </ul> </li> </ul> </li> <li>Table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <table border="1" data-bbox="786 571 1724 1115"> <tr> <td data-bbox="786 571 1130 1115"> <b>PO1</b>                      Development, including uses and works are constructed and operated to avoid:-                      (a) compromising the viability of the gas pipeline corridor; or                      (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.                 </td> <td data-bbox="1130 571 1724 1115"> <b>AO1.1</b>                      Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.   <b>AO1.2</b>                      The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor.                      OR  <b>AO1.3</b>                      Written confirmation of the pipeline licence holder of Petroleum Pipeline Licence 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.   <i>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</i> </td> </tr> </table> <p><b>Reason:</b> While Petroleum Pipeline Licence 32 is authorised under the Petroleum and Gas (Production and Safety) Act 2004 and the associated easement exists within the planning scheme area, to date the pipeline has not been constructed. While the pipeline has not been constructed, the pipeline corridor should be protected from encroachment.</p> <p>The draft scheme provisions presently focus on an existing pipeline, which isn't correct and therefore may not protect a future pipeline from encroachment by development that would compromise its ability to operate safely and effectively.</p> <p>As the pipeline corridor passes through the Sunshine Coast Regional Council local government area too, it is recommended that similar provisions be utilised for the Noosa Shire.</p>	<b>PO1</b> Development, including uses and works are constructed and operated to avoid:- (a) compromising the viability of the gas pipeline corridor; or (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.	<b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.  <b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR <b>AO1.3</b> Written confirmation of the pipeline licence holder of Petroleum Pipeline Licence 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.  <i>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</i>	<ul style="list-style-type: none"> <li>(v) <u>Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</u></li> <li>(vi) <u>Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</u></li> <li>(vii) <u>The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</u></li> </ul> <p>Within Table 8.2.9.4 PO1 and AO1 read as follows:</p> <p><b>PO1</b>  <b>Development, including uses and works are constructed and operated to avoid:</b>          a) <b>compromising the viability of the gas pipeline corridor; or</b>          b) <b>damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</b></p> <p><b>AO1.1</b>  <b>Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</b></p> <p><b>AO1.2</b>  <b>The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor.</b></p> <p><b>OR</b></p> <p><b>AO1.3</b>  <b>Written confirmation of the pipeline licence holder of Petroleum Pipeline License 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.</b></p> <p><b>Editor's note- should a lesser setback distance be proposed; it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</b></p>
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Natural hazards, risk and resilience					
Ref. Number	Policy Element	Requirement	NSC response		
56	The risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards.	<p><b>Planning Scheme Reference:</b> Bushfire risk assessment</p> <p><b>Integration of state interest:</b> <i>State interest not integrated.</i></p> <p><b>Action:</b> Provide a risk assessment for bushfire: To adequately integrate the state interests in natural hazards, risk and resilience, the council must undertake a fit for purpose risk assessment to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazard areas, specifically addressing bushfire hazard. The risk assessment should be undertaken by a suitably qualified person.</p> <p><b>Reason:</b> Policy 2 of the state interest in natural hazards, risk and resilience states that 'a fit-for-purpose risk assessment is undertaken to identify and achieve an acceptable or tolerable level of risk for personal safety and property in natural hazard areas'. A flood risk assessment</p>	<p>As part of developing the new State Bushfire mapping council undertook a desktop peer review of high and medium risk areas shown on the new mapping to make sure that local conditions were appropriately reflected. The provisions in the planning scheme follow the state interest guidelines and model code and reflect the SPP intent.</p> <p>A bushfire risk assessment has since been prepared and provided to DSDMIP and QFES for review. <b>Council wishes to work with QFES to make changes to the mapping as per the list of map recommendations in the risk assessment.</b></p>		

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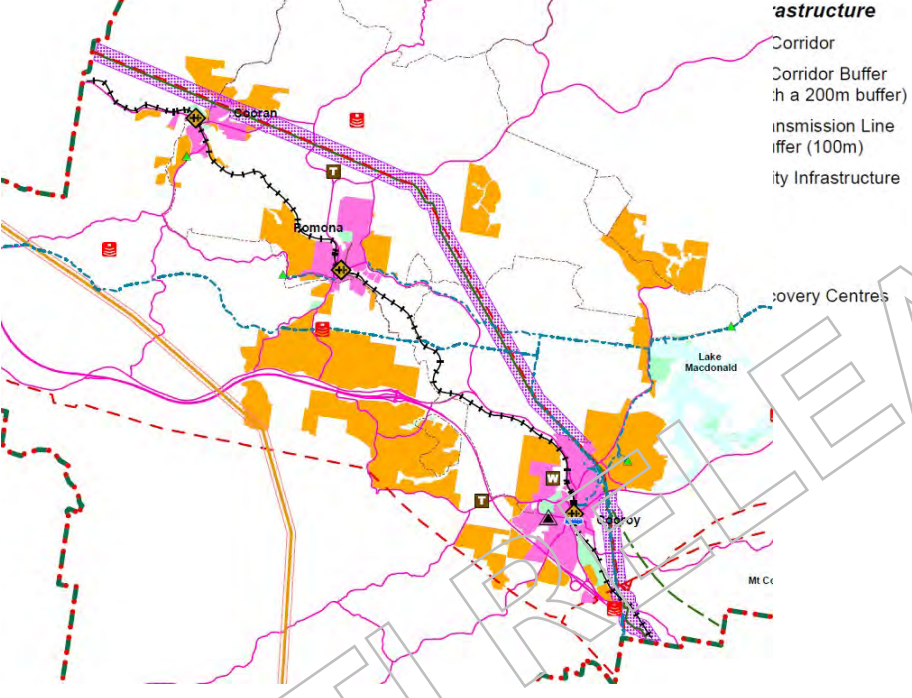
	has been provided by the council however there is no evidence of a risk assessment that considers bushfire risk being undertaken. It is noted that council were involved in the drafting of the state bushfire mapping for the Noosa Shire area, however this is only one part of the risk assessment process. A risk assessment should be used to inform the drafting of appropriate provisions in the planning scheme, which address the outcomes of the risk assessment.	
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### Planning for infrastructure

Energy and water supply			NSC response
Ref. Number	Policy Element	Requirement	NSC response
57	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Most Energex sites across the Noosa Shire have been appropriately zoned as Community Facilities. However, the Cooran Substation on Grahams Road (Lot 2 on SP216695) has previously been approved and constructed, but the proposed zoning is still Rural.</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> The zoning of Lot 2 on SP216695 should be Community facilities.</p> <p><b>Reason:</b> To better align with the previous approval (Council ref: 2008/837) and current land use, being a Substation.</p>	<p><b>Property is 20 Grahams Rd Pomona 2SP216695 and zoning has been changed to Community Facilities (with substation annotation)</b></p>
58	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> The Material Change of Use Tables under Section 5.5 relating to Major Electrical Infrastructure, Renewable Energy Facilities and Substations are generally considered appropriate.</p> <p><b>Integration of state interest:</b> <i>Given the above, the state interest has been appropriately integrated</i></p> <p><b>Action:</b> However, it is recommended that the level of assessment for a Substation be changed under Table 5.5.10 Low Impact Industry – from Impact to Code assessable and in Table 5.5.14 Rural – change the Substation use from 'Impact Inconsistent' to just Impact assessable.</p> <p><b>Reason:</b> The proposed level of assessment is considered to be more commensurate with the impacts associated with a substation and zoning expectations.</p>	<p><b>Table 5.5.14 for Rural Zone now lists substation as consistent but impact assessable.</b></p> <p><b>Table 5.5.10 for Low Impact Industry now lists substation as code assessable. However, note there are some higher amenity precincts within this zone where it is not considered appropriate.</b></p>
59	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference:</b> Part 8 Overlays - There is no Regional Infrastructure Overlay. The Strategic Framework Map 3 provides broad information on major electricity infrastructure and more detailed information on how these assets are protected is scattered throughout various codes in the planning scheme. Furthermore, there is no mapping of Energex substation sites or differentiation between the 132kV and 33kV lines.</p> <p><b>Integration of state interest:</b> <i>State interest is not integrated</i></p> <p><b>Action:</b> Add an overlay for Regional Infrastructure that depicts each Substation site and Major Electricity Infrastructure across the Noosa Shire. It's noted that the proposed planning scheme already includes an Infrastructure Activities Code (9.3.11) which regulates setbacks to transmission lines, vegetation and structures within easements. However, the model code contained within the SPP - state interest guidance material on Energy and water supply should be a basis for the overlay code, which addresses development around electrical infrastructure in further detail. It will also provide a more succinct and direct alignment of planning provisions regarding electrical matters.</p> <p>EnergyQ offers to assist the council to further develop a code that is specific to the characteristics of Noosa, and provide current GIS data for this Overlay.</p> <p><b>Reason:</b> To better align with the SPP state interest for energy and water supply.</p>	<p><b>Council has now prepared a Regional Infrastructure Overlay that shows:</b></p> <ul style="list-style-type: none"> <li>- <b>The road hierarchy</b></li> <li>- <b>Water resources including catchment &amp; infrastructure</b></li> <li>- <b>Major energy infrastructure (including gas and electricity)</b></li> </ul> <p><b>Provisions regarding major electricity infrastructure have been incorporated according to the suggestions provided.</b></p> <p><b>Purpose statements:</b> ... <b>For major energy infrastructure:</b></p> <ol style="list-style-type: none"> <li>a) ...; and</li> <li>b) <b>ensure development is compatible with and does not adversely affect the operation of major electricity infrastructure, including the Powerlink Transmission Line.</b></li> </ol> <p><b>overall outcomes:</b> ...<b>For major energy infrastructure:</b></p> <ol style="list-style-type: none"> <li>(i) <b>Development provides for adequate separation from the Powerlink Transmission Line Corridor.</b></li> <li>(ii) <b>Development avoids compromising the operation of major electricity infrastructure including the Powerlink Transmission Line.</b></li> <li>(iii) <b>The number of people exposed to the potential adverse impacts of major electricity infrastructure is minimised.</b></li> </ol> <p><b>Performance outcomes and acceptable outcomes include:</b></p> <p><b>Major Electricity Infrastructure</b></p>

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	<p><b>ADDITIONAL COMMENTS:</b>          EnergyQ reiterated the importance of including a Regional Infrastructure Overlay Code. It's understood that 'major electricity infrastructure' has been shown on Strategic Framework Map 3. However, to properly address the Energy and water supply - State interest policy 1 (protecting existing and approved major electricity infrastructure) there needs to be a Regional Infrastructure Overlay and an associated development Code. A specific Code will mean that issues such as reverse amenity and setbacks to protect the safety of people and infrastructure, can be assessed against in regard to targeted development and not just development that is required to address the strategic framework.</p> <p>EnergyQ provided a recent example of an overlay code that reflects the SPP guideline.</p>	<p><b>PO2</b>  <i>Development does not increase risk to community health or safety, or the operation and reliability of major electricity infrastructure</i></p> <p><i>No acceptable outcome provided</i></p> <p><b>PO3</b>  <i>Development involving a sensitive land use is sufficiently separated from major electricity infrastructure and substations to minimise the likelihood of nuisance or complaint.</i></p> <p><b>AO3.1</b>  <i>With the exception of class 10 buildings, buildings associated with a sensitive land use maintain a setback of at least:</i>          a) 50 metres from a transmission substation;          b) 10 metres from any other substation; and          c) 30 metres from a transmission line easement.</p> <p><b>AO3.2</b>  <i>With the exception of class 10 buildings, buildings are not located within an easement for a distribution line.</i></p> <p><b>PO4</b>  <i>Development is located and designed to avoid noise nuisance from infrastructure.</i></p> <p><b>AO4</b>  <i>Noise emissions do not exceed 5db(A) above background noise level at the sensitive receptor of a building associated with a sensitive land use, measured in accordance with AS1055.</i></p> <p><b>PO5</b>  <i>Wherever practicable new lots and buildings are orientated to avoid direct overlooking of electricity infrastructure.</i></p> <p><b>AO5</b>  <i>Buildings are orientated so that the majority of outdoor living areas and windows of habitable rooms face away from towers or other major electricity infrastructure.</i></p> <p><b>PO6</b>  <i>For sensitive land uses, there is sufficient space within the site to establish landscaping which substantively screens and softens poles, towers, or other structures and equipment associated with major electricity infrastructure and substations.</i></p> <p><b>AO6</b>  <i>A minimum 3 metres wide densely planted landscaped buffer is provided along the boundary adjoining the electricity infrastructure, including provision for advanced trees and shrubs that will grow to a minimum height of 10 metres.</i></p> <p><i>Editor's note- Applicants may find guidance in Powerlink Queensland's brochure "Using Vegetation to screen transmission lines". Applicants should also note that vegetation will need to maintain statutory clearances.</i></p> <p><b>PO7</b>  <i>Vegetation does not pose a risk to the safety or reliability of electricity infrastructure.</i></p> <p><b>AO7.1</b>  <i>Vegetation planted within the easement of an overhead powerline or, where there is no easement, the area of influence of a powerline, has a mature height of no more than 3.5 metres.</i></p> <p><b>AO7.2</b>  <i>Vegetation planted within an underground powerline easement does not have a mature root system in excess of 150 millimetres in depth and is not located directly over the powerline.</i></p> <p><b>AO7.3</b>  <i>Regardless of the width of the easement, vegetation adjoining easements must be separated from the power pole or other infrastructure by a distance at least equal to the maximum mature height of the vegetation.</i></p> <p><b>PO8</b>  <i>Any earthworks are undertaken in a way which:          ensures stability of the land on or adjoining the electricity infrastructure;          does not otherwise impact on the safety and reliability of the electricity infrastructure; and          does not restrict the placement or use of the electricity infrastructure provider's equipment.</i></p> <p><b>AO8.1</b>  <i>For overhead distribution infrastructure, no earthworks are undertaken within 10 metres of a tower, pole or stay.</i></p>
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			<p><b>AO8.2</b> For overhead transmission infrastructure, no earthworks are undertaken within 20 metres of a tower, pole or stay.</p> <p><b>PO9</b> Services and infrastructure works (such as stormwater, sewerage, water and the like) do not impact on the safety and reliability of substations or major electricity infrastructure.</p> <p><b>AO9.1</b> Underground services are not located within 20 metres of a tower, pole, stay or substation boundary.</p> <p><b>AO9.2</b> No valve pits occur within: a) for transmission infrastructure, 60 metres of a tower, pole or stay; or b) for distribution infrastructure, 20 metres of a tower, pole or stay.</p> <p><b>AO9.3</b> Underground services traversing an easement cross at right angles to the overhead or underground lines.</p>
60	<p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>	<p><b>Planning Scheme Reference:</b> Section 8.2.9 Water Resources and Gas Pipeline Overlay Code, specifically Table 8.2.9.4, AO1.1 refers to a 40m buffer for any structures, which is likely to conflict with the Energex line and easements from Cooran to Cooroy (see SFM3 below which shows the pipeline buffer overlapping the major electricity infrastructure line).</p>  <p><b>Integration of state interest:</b> State interest partially integrated</p> <p><b>Action:</b> It's recommended that the provisions proposed for the gas pipeline corridor and buffer area and amended – see comment 55 under 'Emissions and hazardous activities'.</p> <p><b>Reason:</b> To protect Energex assets and ongoing development activities within Energex easements.</p> <p><b>ADDITIONAL COMMENTS:</b> In regards to the gas pipeline buffer vs the electricity easement, EnergyQ requested adding some words into the AOs: <b>Action:</b> We recommend that AO1.1 be reworded so that Energex buildings and structures are permitted within the Gas pipeline corridor and buffer area, where appropriately designed.</p> <p>This doesn't conflict with the DNRME requirements to protect the gas pipeline corridor:</p>	<p>Table 8.2.9.4 amended to include following Performance Outcome and Acceptable Outcome:</p> <p><b>Gas pipeline corridor and buffer area</b> <b>PO1</b> Development, including uses and works are constructed and operated to avoid: compromising the viability of the gas pipeline corridor; or damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p> <p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. <b>OR</b></p> <p><b>AO1.3</b> Written confirmation of the pipeline license holder of Petroleum Pipeline License 32 that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p><b>Editor's note-</b> should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</p>

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		<p><b>Action:</b> The focus of the Code needs to be changed to focus on protecting the approved pipeline corridor rather than the pipeline. Below are recommended provisions.</p> <ul style="list-style-type: none"> <li>Section 8.2.9.2(b) - Purpose and overall outcomes - Water Resources and Gas Pipeline overlay code             <ul style="list-style-type: none"> <li><i>(b) For the gas pipeline corridor and buffer area:</i> <ul style="list-style-type: none"> <li><i>(i) Development provides for adequate separation from the gas pipeline corridor.</i></li> <li><i>(ii) Development avoids compromising the future operation of the gas pipeline within the gas pipeline corridor.</i></li> <li><i>(iii) Development avoids the storage of hazardous materials in proximity to the gas pipeline corridor.</i></li> <li><i>(iv) The number of people exposed to the potential adverse impacts of the future gas pipeline in the gas pipeline corridor is minimised.</i></li> </ul> </li> </ul> </li> <li>Table 8.2.9.4 - Criteria for assessable development Gas pipeline corridor and buffer area</li> </ul> <table border="1" data-bbox="528 674 1394 1192"> <tr> <td data-bbox="528 674 765 1192"> <p><b>PO1</b> Development, including uses and works are constructed and operated to avoid:- (a) compromising the viability of the gas pipeline corridor; or (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p> </td> <td data-bbox="765 674 1394 1192"> <p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR <b>AO1.3</b> Written confirmation of the pipeline licence holder of <i>Petroleum Pipeline Licence 32</i> that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</p> </td> </tr> </table> <p><b>EnergyQ previously requested that the council reword AO1.1 so that Energex buildings and structures are permitted within the Gas pipeline corridor and buffer area, where appropriately designed.</b></p> <p><b>The preference is that the DNRME suggested changes to the code (item 55) should be used, as opposed to the EnergyQ suggestion, given that EnergyQ can simply request written confirmation as per AO1.3 – this is the best way to ensure that the development doesn't impact on the future use, and doesn't stop EnergyQ from being able to locate structures within the buffer if appropriately designed.</b></p>	<p><b>PO1</b> Development, including uses and works are constructed and operated to avoid:- (a) compromising the viability of the gas pipeline corridor; or (b) damaging or adversely affecting the existing or future operation of a gas pipeline within the gas pipeline corridor.</p>	<p><b>AO1.1</b> Buildings and structures are setback a minimum of 40 metres from a gas pipeline corridor.</p> <p><b>AO1.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200 metres of the gas pipeline corridor. OR <b>AO1.3</b> Written confirmation of the pipeline licence holder of <i>Petroleum Pipeline Licence 32</i> that the setback distance and design of the development does not impact the future use of the gas pipeline.</p> <p>Editor's note—should a lesser setback distance be proposed, it is recommended that the applicant consult with the relevant gas pipeline manager prior to the lodgement of a development application to determine how compliance with the performance outcome can be achieved.</p>	
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<b>NEW COMMENTS FROM SEQWATER</b>					
e	The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	<p><b>Planning Scheme Reference: Strategic Framework 3.2.8 Co-ordinated and efficient Infrastructure</b></p> <p><b>Action:</b> Please amend reference to Seq Water with Seqwater.</p> <p><b>Reason:</b> Please note correct name for Seqwater which commenced in 2013.</p>	Done		


<p>f</p>	<p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>	<p><b>Planning Scheme Reference: Table 8.2.9.3 Criteria for assessable development- Water Resources</b></p> <p><b>Action:</b> Please insert additional POs in table 8.2.9.3</p> <table border="1"> <tr> <td data-bbox="528 310 943 594"> <p><b>Development is set back from bulk water supply infrastructure to:</b>  <b>(a) avoid safety risks to people and property</b>  <b>(b) minimise noise and visual impacts to people and property</b>  <b>(c) ensure the physical integrity and operation, maintenance and expansion of the infrastructure is not compromised.</b></p> </td> <td data-bbox="943 310 1389 594"> <p><b>Development is setback in accordance with Table X 'Recommended separation distances from bulk water supply infrastructure'.</b></p> </td> </tr> <tr> <td data-bbox="528 594 943 724"> <p><b>Vegetation planted near pipelines does not pose any risk to the physical integrity and operation of the bulkwater pipelines.</b></p> </td> <td data-bbox="943 594 1389 724"> <p><b>Planting near pipelines complies with the current Seqwater Network Consent Guidelines.</b></p> </td> </tr> <tr> <td data-bbox="528 724 943 1012"> <p>Development is located and designed to maintain required access to Bulk water supply infrastructure.</p> </td> <td data-bbox="943 724 1389 1012"> <p><b>Development does not restrict access to Bulk water supply infrastructure of any type or size, having regard to:</b></p> <p>a. buildings or structures; 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 b. gates and fences;  c. storage of equipment or materials;  d. landscaping or earthworks or stormwater or other infrastructure.</p>	<p><i>Additional provisions have been incorporated as follows;</i></p> <p><b>Bulk Water Infrastructure PO6</b>  <i>Development is set back from bulk water supply infrastructure to:</i>  a) <i>avoid safety risks to people and property;</i>  b) <i>minimise noise and visual impacts to people and property; and</i>  c) <i>ensure the physical integrity and operation, maintenance and expansion of the infrastructure is not compromised.</i></p> <p><b>AO6</b>  <i>Development is setback in accordance with <u>Table 8.2.9.3B 'Recommended separation distances from bulk water supply infrastructure'.</u></i></p> <p><b>Table 8.2.9.3B - Recommended separation distances from bulk water supply infrastructure</b></p> <table border="1"> <thead> <tr> <th>Bulk water supply infrastructure - asset type</th> <th>Type of development</th> <th>Recommended separation distance minimum</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Pipelines and channels (1)</td> <td>Buildings/Structures/Earthworks</td> <td>20 metres from edge of pipe</td> </tr> <tr> <td>Blasting(2,3)</td> <td>200 metres from edge of pipe</td> </tr> <tr> <td rowspan="3">Water treatment plants and water quality facilities</td> <td>Sensitive Land Use</td> <td>250 metres from building footprint</td> </tr> <tr> <td>Buildings/Structures/Earthworks</td> <td>20 metres from building footprint</td> </tr> <tr> <td>Blasting (2,3)</td> <td>200 metres from building footprint</td> </tr> <tr> <td rowspan="2">Reservoir facilities</td> <td>Buildings/Structures/Earthworks</td> <td>20 metres from building footprint</td> </tr> <tr> <td>Blasting (2,3)</td> <td>200 metres from building footprint</td> </tr> <tr> <td rowspan="3">Pump stations</td> <td>Sensitive Land Use</td> <td>100 metres from building footprint</td> </tr> <tr> <td>Buildings/Structures/Earthworks</td> <td>20 metres from building footprint</td> </tr> <tr> <td>Blasting (2,3)</td> <td>200 metres from building footprint</td> </tr> <tr> <td rowspan="5">Dam structures and weirs (4)</td> <td>Earthworks Dam/Weir Height(5) 0-5 metres</td> <td>50 metres from the toe of the dam/weir</td> </tr> <tr> <td>Earthworks Dam/Weir Height(5) 5-10 metres</td> <td>100 metres from the toe of the dam/weir</td> </tr> <tr> <td>Earthworks Dam/Weir Height(5) 10-15 metres</td> <td>150 metres from the toe of the dam/weir</td> </tr> <tr> <td>Earthworks Dam/Weir Height(5) 15-20 metres</td> <td>200 metres from the toe of the dam/weir</td> </tr> <tr> <td>Earthworks Dam/Weir Height(5) &gt; 20 metres</td> <td>500 metres from the toe of the dam/weir</td> </tr> <tr> <td></td> <td>Blasting (2,3)</td> <td>500 metres from dam wall/earth embankment/weir footprint</td> </tr> </tbody> </table> <p><small>1 Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.  2 Refers to any type of development involving blasting &lt;500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.  3 It is recommended that blasting provisions be included in an extractive industry code (or similar).  4 For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.  5 Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).</small></p> <p><b>PO7</b>  <i>Vegetation planted near pipelines does not pose any risk to the physical integrity and operation of the bulkwater pipelines.</i></p> <p><b>A07</b>  <i>Planting near pipelines complies with the current Seqwater Network Consent Guidelines.</i></p> <p><b>PO8</b>  <i>Development is located and designed to maintain required access to Bulk water supply infrastructure.</i></p> <p><b>A08</b>  <i>Development does not restrict access to Bulk water supply infrastructure of any type or size, having regard to:</i>  a) <i>buildings or structures;</i>  b) <i>gates and fences;</i>  c) <i>storage of equipment or materials;</i>  d) <i>landscaping or earthworks or stormwater or other infrastructure.</i></p>	Bulk water supply infrastructure - asset type	Type of development	Recommended separation distance minimum	Pipelines and channels (1)	Buildings/Structures/Earthworks	20 metres from edge of pipe	Blasting(2,3)	200 metres from edge of pipe	Water treatment plants and water quality facilities	Sensitive Land Use	250 metres from building footprint	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Reservoir facilities	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Pump stations	Sensitive Land Use	100 metres from building footprint	Buildings/Structures/Earthworks	20 metres from building footprint	Blasting (2,3)	200 metres from building footprint	Dam structures and weirs (4)	Earthworks Dam/Weir Height(5) 0-5 metres	50 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 5-10 metres	100 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 10-15 metres	150 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) 15-20 metres	200 metres from the toe of the dam/weir	Earthworks Dam/Weir Height(5) > 20 metres	500 metres from the toe of the dam/weir		Blasting (2,3)	500 metres from dam wall/earth embankment/weir footprint
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	<p><b>Table X</b></p> <table border="1"> <thead> <tr> <th>Bulk water supply infrastructure – asset type</th> <th>Type of development</th> <th>Recommended separation distance minimum</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Pipelines and channels(1)</td> <td>Buildings/Structures/Earthworks</td> <td>20 m from edge of pipe</td> </tr> <tr> <td>Blasting(2,3)</td> <td>200 m from edge of pipe</td> </tr> <tr> <td rowspan="3">Water treatment plants and water quality facilities</td> <td>Sensitive Land Use</td> <td>250 m from building footprint</td> </tr> <tr> <td>Buildings/Structure/Earthworks</td> <td>20 m from building footprint</td> </tr> <tr> <td>Blasting(2,3)</td> <td>200 m from building footprint</td> </tr> <tr> <td rowspan="2">Reservoir facilities</td> <td>Buildings/Structure/Earthworks</td> <td>20 m from building footprint</td> </tr> <tr> <td>Blasting(2,3)</td> <td>200 m from building footprint</td> </tr> <tr> <td rowspan="2">Pump stations</td> <td>Sensitive Land Use</td> <td>100 m from building footprint</td> </tr> <tr> <td>Buildings/Structure/Earthworks</td> <td>20 m from building footprint</td> </tr> </tbody> </table>	Bulk water supply infrastructure – asset type	Type of development	Recommended separation distance minimum	Pipelines and channels(1)	Buildings/Structures/Earthworks	20 m from edge of pipe	Blasting(2,3)	200 m from edge of pipe	Water treatment plants and water quality facilities	Sensitive Land Use	250 m from building footprint	Buildings/Structure/Earthworks	20 m from building footprint	Blasting(2,3)	200 m from building footprint	Reservoir facilities	Buildings/Structure/Earthworks	20 m from building footprint	Blasting(2,3)	200 m from building footprint	Pump stations	Sensitive Land Use	100 m from building footprint	Buildings/Structure/Earthworks	20 m from building footprint																								
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		Blasting(2,3)	200 m from building footprint
Dam structures and weirs(4)	Earthworks Dam/Weir Height(5) 0-5m	50 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 5-10m	100 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 10-15m	150 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 10-15m	200 m from the toe of the dam/weir	
	Earthworks Dam/Weir Height(5) 10-15m	500 m from the toe of the dam/weir	
	Blasting(2,3)	500 m from dam wall/earth embankment/weir footprint	
<p>1 Channels are included in the pipelines and channels layer SPP IMS but are not differentiated from pipelines. Where an applicant identifies the bulk water supply infrastructure is a channel rather than a pipe, applicants should contact the utility provider to discuss appropriate separation distances.</p> <p>2 Refers to any type of development involving blasting &lt;500 kg charge mass per delay, use of explosives, piling, and other vibratory/compaction machinery (over 20t centrifugal force) during construction and/or operation. For blasting over 500 kg, applicants are to contact the asset owner as a greater separation zone may apply.</p> <p>3 It is recommended that blasting provisions be included in an extractive industry code (or similar).</p> <p>4 For dam structures and weirs, applicants should contact the utility provider to determine the toe of the dam/weir.</p> <p>5 Dam/weir height is to be taken at the maximum section of the dam/weir (from dam/weir crest to dam/weir toe).</p> <p><b>Reason:</b> The SPP requires that bulk water supply infrastructure be protected from development that would compromise the corridor integrity, and the safe, efficient delivery and functioning of the identified infrastructure. The indicated buffer distances are recommended as suitable triggers to identify when development should be assessed regarding its potential impact on bulk water supply infrastructure. This amendment provides clarity within the overlay code. By inserting these requirements in the overlay code, will reduce the need for duplication which would be created by inserting requirements into multiple zones.</p>			

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<p>g</p>	<p>The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.</p>	 <p>zoning in Zone Map ZM3 only partially covers the site area of the WTP. The extension of the Community Facilities zone to include all of Lot 1 RP800331 will cover the site area of the upgrade works. Please note, Lot 1 RP800331 is currently zoned Community Services in the Noosa Plan 2006.</p>	<p><b>Planning Scheme Reference:</b> Zone Map ZM3</p> <p><b>Action:</b> Please extend the Community Facilities Zone at the Noosa Water Treatment Plant so that it aligns with the current WTP upgrade. The proposed scheme splits Lot 1 RP800331 into two zones. Please retain the entirety of this lot as Community Facilities.</p> <p><b>Reason:</b> The WTP is currently being upgraded. The proposed</p>	<p>OK. Lot 1 on RP800331 is currently entirely zoned Community Services. It will be zoned Community Facilities in its entirety.</p>
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State transport infrastructure			
Ref. Number	Policy Element	Requirement	NSC response
61	The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.	<p><b>Planning Scheme Reference:</b> Strategic Framework Map – Infrastructure &amp; SC2.3 – Zone Maps</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed</i>, in particular policy 5 - A road hierarchy is identified that reflects the role of each category of road and effectively manages all types of traffic.</p> <p><b>Action:</b> Provide map/s that show the road hierarchy which as identified in Schedule 1 – administrative definitions and include in the planning scheme.</p> <p>The road hierarchy should ensure that the function of state-controlled roads are appropriately reflected, to ensure that vehicular access for development is consistent with the function and design of state-controlled roads and development directs local traffic to the local road network.</p> <p>Preferably, road hierarchy mapping would identify which roads are arterial, distributor and collector roads to assist in interpretation of a number of codes, like the transport code.</p> <p><b>Reason:</b> To ensure that the safety and efficiency of the state-controlled road network is maintained.</p>	<p><b>Road hierarchy is now shown on the Regional Infrastructure Overlay Map.</b></p>
62	The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.	<p><b>Planning Scheme Reference:</b> Part 7 Local Plans</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed</i>, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</p> <p><b>Action:</b> Provide high resolution Framework &amp; Character Plans for review. In order to provide sufficient information to guide development outcomes, <b>the Framework &amp; Character Plans must clearly identify existing and future public passenger transport infrastructure. Cycle routes identified on the SEQ Principal Cycle Network Plan (particularly Priority Routes) are to be incorporated</b> and ensure that the active transport strategic network is appropriately reflected. Provision of public passenger transport and active transport should also be supported by text in the Local Plans.</p>	<p><b>Framework &amp; Character Plans</b> only deal with the bigger town centres not the whole towns. They don't address inter-centre connections.</p> <p><b>We've added principal cycle network paths including priority routes as per the State's mapping and shown arrows at the edges where these connect to other areas. A disclaimer reads "routes shown are indicative only and exist to guide future investigation and planning and are not currently resourced".</b></p> <p><b>The new Regional Infrastructure Overlay map now includes all the Principal Cycle Network</b> (including the Priority Routes) despite not all of them being included in the LGIP mapping and may not be funded/constructed in the life of the scheme.</p> <p><b>Strategic Framework Point (g) of the Strategic Outcomes on transport and Movement now reads as follows:</b></p>

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		<p><b>Reason:</b> To support public passenger transport and active transport as an attractive alternative to private transport, the infrastructure and network should be logically planned, well connected and clearly identified within the planning scheme.</p> <p>ADDITIONAL COMMENT:</p> <p><u>Active Transport</u> In order to provide sufficient information to guide development outcomes and promote active transport as an attractive alternative to private transport the Framework &amp; Character Plans should be amended or an overall active transport strategic network plan developed. Planning is needed to ensure the delivery of a connected and cohesive cycle network across the shire. The existing and future primary cycle routes that have logical connections to key destinations within and between centres should be included and the Priority Routes as shown on the SEQ Principal Cycle Network Plan should be incorporated.</p> <p><u>7.2.4 Noosaville Local Plan Code – Figure 7.2.4.5 Noosa Business Centre – Transit Centre</u></p> <p>TMR does not support the identification of a Proposed Bus Interchange on this Framework and Character Plan. Identification of a Proposed Bus Interchange in this location may unduly raise expectation of State delivering transport infrastructure being delivered that is not planned or funded. DTMR is unaware of any associated studies or planning supporting a new bus interchange in this location. It is noted that draft PFTI in the draft LGIP do not nominate a new bus stop at this location.</p> <p>Whilst a 'Transit Bus Station' is nominated in this general location in the Strategic Framework mapping it is unclear if it relates to this proposed Bus Interchange or the existing Bus Station at the 'Noosa Civic' Centre.</p> <p>The inclusion of a proposed bus interchange in Strategic Mapping is supportable with the inclusion of an Editor's Note stating the following or similar, 'Editor's note: this Proposed Bus Interchange is not planned or funded State transport infrastructure'. The inclusion of a proposed bus interchange in the Part 7 - Framework &amp; Character Plans is generally not supported.</p> <p>As a result of meeting, the following actions arose:</p> <ol style="list-style-type: none"> <li>1. Council to include editor's note saying the interchange isn't planned or funded by the State government (or similar eg ...is subject to further planning with the State government...) and is subject to further planning studies.</li> <li>2. Council to include additional wording in codes to identify that interchange and its location is subject to further planning.</li> <li>3. State to review final wording prior to final endorsement.</li> </ol> <p>Further, TMR will discuss internally with TransLink (Network Planning and Infrastructure teams) with a view for a future discussion about the planning of the interchange with council's planning team and infrastructure team. (Lud (Oddbjorn Ludvigsen) is contact for Noosa Council.)</p>	<p><b><i>New development incorporates or supports active public transport infrastructure that connects with existing networks. Development takes into account the future planning of the State's Principal Cycle Network.</i></b></p> <p><b>Noosa Business Centre Transit hub</b> Since the gazettal of the current 2006 planning scheme a Public Transport Node has been shown on the Noosa Business Centre site (Schedule 5 Map 1 Transport) and the Transit function has specifically been shown close to the Walter Hay Drive roundabout on the Shire Business Centre Precinct Plan (schedule 4). This is further qualified by the provisions in the current Noosa Plan for the Shire Business centre since 2006. It is the highest-order centre for the Shire, a Major Regional Activity Centre under the SEQ Regional Plan and considered vital to the successful functioning of public transport. It will necessarily be bigger than the existing bus stop at Noosa Civic. If we are to secure a land dedication from the land owner it remains important to show it.</p> <p>Council would like to stress that the exact location of the transit hub is not final and that development of the Noosa Business Centre will be subject to further master planning, of which TRM will be part.</p> <p><b>Wording has been added to the Noosaville Local Plan code to qualify:</b></p> <ul style="list-style-type: none"> <li>- Development at the Noosa Business Centre occurs in a staged manner following the construction of the internal circulation road system, creation of an open aired activated village green space for significant community gatherings and the provision of land for a sub-regional transit centre that has the potential to function as an integrated public transport node, with pedestrian and bicycle paths linking with nearby urban areas. The further development of transit facility will be subject to further investigation and planning with the State Government;</li> <li>- The Framework and character Plan for Noosa Business Centre also has a disclaimer stating that the "Potential transit facility – indicative only and subject to further investigation and resourcing."</li> </ul>
63	<p>The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.</p>	<p><b>Planning Scheme Reference:</b> Strategic Framework Map 3 Infrastructure, Part 6 Zone Codes &amp; Part 9 Development codes</p> <p><b>Integration of state interest:</b> <i>Additional information is required to determine if appropriately addressed, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</i></p> <p><b>Action:</b> <i>Advise where in the scheme the existing and future planned active transport routes are shown? It is noted that the local area plan figures do identify active transport routes for specific defined areas.</i></p> <p><b>Reason:</b> <u>The active transport network should appropriately reflect the SEQ Principal Cycle Network Plan and the active transport functional hierarchy should be detailed and logically planned</u> with sufficient information provided to guide development outcomes.</p> <p>The planning scheme has a focus on strong pedestrian and cycle provisions with several performance outcomes requiring development to connect to existing and provide for future active transport routes, however, <u>the proposed active transport network is unclear.</u></p> <p>To support active transport as an attractive alternative to private transport the active transport network should be logically planned, well connected and clearly identified within the planning scheme.</p>	<p>As discussed above <b>the new Regional Infrastructure Overlay includes all the Principal Cycle Network (including the Priority Routes)</b> despite not all of them are included in the LGIP mapping and may not be funded/constructed in the life of the scheme.</p> <p>Obviously there are a great many other pathways and on-road cycle lanes that form part of the active transport network.</p>

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		<p><b>ADDITIONAL COMMENTS:</b> DTMR appreciates the challenges Council faces in the form of a low density dispersed settlement pattern, the planning scheme has an aspirational target to reduce car usage and encourage walking and cycling. Planning is needed to ensure an active transport network develops that is logical and well-connected in order for active transport to be an attractive alternative to private transport.</p> <p>The existing and future active transport network, in particular the primary routes, should be reflected in the planning scheme to guide development. The active transport network should incorporate the cycle network identified in the SEQ Principal Cycle Network Plan, particularly the Priority Routes.</p> <p>At the meeting, the following action arose:</p> <p>Council suggested this could be shown on the new regional infrastructure overlay, and DTMR and DSDMIP agreed this option could work. This will be reviewed in a revised version of the planning scheme.</p>	
64	<p>The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.</p>	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment &amp; Schedule 6 Planning Scheme Policies</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i>, in particular policy 3 - Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.</p> <p><b>Action:</b> <u>Amend the assessment codes and planning scheme policy, to ensure that public passenger transport (PPT) taxi infrastructure/facilities are appropriately designed and located to service land uses that generate demand.</u></p> <p><b>Incorporate into the planning scheme provisions (or relevant section) requirements for PPT taxi infrastructure/facilities.</b></p> <p>The following list provides an indication of common land uses where taxi services are often provided and where demand is generated:</p> <ul style="list-style-type: none"> <li>• Public transport facilities including rail stations, bus stations, busway stations, airports and ferry terminals</li> <li>• Major shopping centres (over 10,000m2)</li> <li>• Major sport, recreation and entertainment precincts</li> <li>• Medical facilities such as hospitals and medical centres</li> <li>• Bus park 'n' ride facilities</li> <li>• Commercial precincts</li> <li>• Food and drink precincts</li> <li>• Accommodation facilities (for example, motel)</li> <li>• Residential care facility (for example, nursing home)</li> <li>• Clubs, casinos</li> <li>• Tourist attractions</li> <li>• Hotels</li> <li>• Function facilities</li> <li>• Mixed use developments</li> <li>• Theatres</li> <li>• Local shops</li> </ul> <p>The following list provides an indication of common information needed when determining capacity of any infrastructure:</p> <ul style="list-style-type: none"> <li>• catchment demographics including:             <ul style="list-style-type: none"> <li>▪ persons per household</li> <li>▪ age profile of catchment</li> <li>▪ household income</li> <li>▪ private vehicle ownership</li> </ul> </li> <li>• development type and operational hours</li> <li>• density and types of surrounding development</li> <li>• availability of car parking in the area</li> <li>• availability and frequency of other public passenger transport options</li> <li>• competing modes</li> <li>• number of taxi licences in each service area.</li> </ul>	<p>With the exception of the Noosa Business Centre there is not expected to be new activity centres or substantial growth to existing centres and the use of Taxis would seem to declining with the uptake of Uber. There are already taxi facilities in our centres as follows:</p> <ul style="list-style-type: none"> <li>• Next to Noosa Fair Carpark, Lanyana Way Noosa Heads (Privately Owned).</li> <li>• Outside Noosa Junction Plaza, Sunshine Beach Rd Noosa Heads (Signs only, no shelter)</li> <li>• Outside Dan Murphys entrance, Mary St Noosaville (Bench seat only, no shelter)</li> <li>• Outside Royal Mail, Poinciana Ave, Tewantin</li> <li>• Noosa Drive near Hastings Street, Noosa Heads</li> </ul> <p>The Framework and Character plans have been amended to include location of existing taxi ranks as stated above as did not receive official taxi rank locations from DMR.</p> <p>We have amended PO11 and AO11.1 of the Transport Code to reference taxis, and shared and private vehicles as part of the range of travel modes and have added a new Acceptable outcome as follows:</p> <p><b>AO11.5</b> <b>Taxi or shared vehicle infrastructure is provided parallel to the kerb, conveniently located to minimise passenger walking and designed in accordance with:</b></p> <ol style="list-style-type: none"> <li>a) <b>AS2890.5–1993 Parking facilities – on-street parking and AS1428.1–2009 Design for access and mobility – general requirements for access – new building work;</b></li> <li>b) <b>AS1742.11–1999 Parking controls – manual of uniform traffic control devices;</b></li> <li>c) <b>AS/NZS 2890.6–2009 Parking facilities – off-street parking for people with disabilities;</b></li> <li>d) <b>Disability standards for accessible public transport 2002 made under section 31(1) of the Disability Discrimination Act 1992; and</b></li> <li>e) <b>AS/NZS 1158.3.1 – Lighting for roads and public spaces, Part 3.1: Pedestrian area (category P) lighting – Performance and design requirements.</b></li> </ol>

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		<p>When determining location of any infrastructure, it is intended that taxi infrastructure be located to conveniently service such needs (that is, minimise passenger walking distances and assist with passenger convenience and safety).</p> <p>Incorporate into the planning scheme policy (or relevant section):</p> <p>Infrastructure design requirements:</p> <ul style="list-style-type: none"> <li>• A taxi facility infrastructure is provided parallel to the kerb and adjacent to the main entrance.</li> <li>• Taxi facilities are designed in accordance with:             <ul style="list-style-type: none"> <li>○ AS2890.5–1993 Parking facilities – on-street parking and AS1428.1–2009 Design for access and mobility – general requirements for access – new building work</li> <li>○ AS1742.11–1999 Parking controls – manual of uniform traffic control devices</li> <li>○ AS/NZS 2890.6–2009 Parking facilities – off-street parking for people with disabilities</li> <li>○ Disability standards for accessible public transport 2002 made under section 31(1) of the <i>Disability Discrimination Act 1992</i></li> <li>○ AS/NZS 1158.3.1 – Lighting for roads and public spaces, Part 3.1: Pedestrian area (category P) lighting – Performance and design requirements.</li> </ul> </li> </ul> <p><b>Reason:</b> To achieve a high level of integration with transport infrastructure and to support public passenger transport and active transport as attractive alternatives to private transport, taxi provision should be appropriately addressed by development that generates demand for a taxi facility.</p> <p>ADDITIONAL COMMENTS: The scheme could be amended so that only specific uses likely to create taxi demand are required to determine if taxi infrastructure / facilities are required (this can include taxi ranks or taxi bays). Please refer to the initial DTMR comments for common land uses where taxi services are often provided and where demand for taxis is generated. These land uses could trigger the requirement to undertake an assessment to determine the need for a taxi facility. The Department of Transport and Main Roads' <i>Public Transport Infrastructure Manual 2015</i> Chapter 7 provides guidance on what an assessment should address.</p> <p>Taxi facilities should be designed and located in such a way as to minimise passenger walking distances and assist with passenger convenience and safety. General acceptable standard practice for a taxi rank location is a maximum of 400m walking distance to a major venue entrance and exit, this equates to approximately a five-minute walking journey. To maximise passenger convenience, if demand for taxi facilities is warranted, the facilities should be provided within the development or within a 400m walking distance.</p>	
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### Part B—Legislative requirements

Legislative requirements are matters contained within legislation that directly require a planning scheme to respond in a certain way (i.e. a note, an exclusion, an exemption etc).

State Interest: <i>Planning Act 2016</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
1	6.3.1 Low density Residential zone code 9.3.1 Low density housing code	<p><b>Action:</b> Review the following provisions: 5.5.1 Low Density Residential 6.3 Residential zone categories, 6.3.1 Low density Residential zone code - PO5 – secondary dwelling requirements. 9.3 Use codes, 9.3.1 Low density housing code, housing choice PO3 &amp; AO3 (secondary dwellings)</p> <p><b>Reason:</b> The <i>Planning Regulation 2016</i> defines a “dwelling house” as including a secondary dwelling and defines a <i>secondary dwelling</i> as being used in conjunction with and subordinate to a dwelling house. It is therefore unclear if s 6.3.1 Low Density Residential (Zone) code PO5 and its acceptable outcomes which aim to control the size and location of secondary dwellings are in accordance with the <i>Planning Regulation 2017</i>.</p>	<p><b>Council has considered this and decided to maintain the current arrangement where duplexes are not permitted in the detached housing neighbourhoods. As such any references to a dual occupancy being consistent in the Low Density Residential Zone has been deleted.</b></p>

		<p><b>Further Action required –</b></p> <p><b>Action:</b> Remove the provisions which prevents a dual occupancy from being placed into a community title scheme: Table 5.5.1 – Low density residential – Dual occupancy, 6.3.1 Low density residential zone code (AO5.2, AO5.3), 9.3.1 Low density housing code (overall outcome (h), AO3, PO4 *Note: this may flow on to other areas of the planning scheme*</p> <p><b>Reason:</b> The Planning Regulation 2017 defines a dual occupancy – (a) means a residential use of premises for 2 households involving – (i) 2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property; (ii) any domestic outbuilding associated with the dwellings; and (b) does not include a residential use of premises that involve a secondary dwelling.</p> <p>The Planning Regulation 2017 defines reconfiguring a lot – (d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is— (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997.</p> <p>As the planning scheme cannot regulate a community title scheme, as it does not require a development permit, the scheme cannot prevent a dual occupancy development from being separately titled through a community title scheme under the Body Corporate and Community Management Act 1997. Furthermore, a material change of use cannot restrict a reconfiguring a lot development as they are two separate development types.</p> <p><b>Action:</b> Review the provisions in, and consider re-drafting, 6.3 Residential zone categories, 6.3.1 Low density Residential zone code - PO5 – dual occupancy requirements</p> <p><b>Reason:</b> The term 'small dwellings' is defined in the administrative definitions as having a gross floor area of no more than 90m<sup>2</sup>. However, AO5.4 states a dual occupancy only occurs where one dwelling is no more than 85m<sup>2</sup> (the small dwelling). Small dwellings are referenced for other types of development throughout the scheme and using this term for multiple meanings and provisions causes conflict and confusion.</p> <p><b>Action:</b> Review the provisions in, and consider re-drafting, 1 Low density housing code AO3, PO4.</p> <p><b>Reason:</b> PO4 contradicts the definition of dual occupancy and the provision seems to be mixing secondary dwelling and dual occupancy together. The provision needs to be clear which type of development it is regulating. Is it a dual occupancy or dwelling house with secondary dwelling? The use definitions would prevent you from having a dwelling house with a secondary dwelling (one household) already on site and then trying to develop a dual occupancy (two new households) on top of that, it would move into the multiple dwelling use definition.</p>	
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		Furthermore, AO4 is confusing and re-drafting should be considered. As it currently reads it is not clear on the intent of this AO4.	
2	6.3.3 High Density Residential Zone Code Table 6.3.3.3 Criteria for assessment (part) Performance outcome PO19 Social Housing	<p><b>Action:</b> Amend PO19 to ensure the code does not make development for public housing (as defined in the Planning Regulation 2017) assessable development; see Schedule 6 of the <i>Planning Regulation 2017</i>.</p> <p><b>Reason:</b> Consistency with <i>Planning Regulation 2017</i>. NOTE – the provision of affordable housing is supported – DSDMIP will work with the council further on this, with the assistance of the Department Housing and Public Works.</p> <p><b>ADDITIONAL COMMENTS:-</b></p> <p>DHPW is supportive of NSC's proposals to address affordable housing, however it has advised that "public housing" should not be bound in the provisions of the planning scheme as it is not assessable development and, as it has specific requirements, it may not be able to be easily delivered through conditions of development. Therefore, references to public housing should be deleted.</p> <p>It may however be appropriate to reference affordable housing as well as other social housing (excluding public housing). Further discussion on this matter is envisioned with NSC once advice is received from DSDMIP.</p> <p>DSDMIP agrees with DHPW, that the planning scheme can not make particular development for public housing assessable development, as per section 30 of Schedule 6 of the Planning Regulation 2017. However DSDMIP also agrees with DHPW, that there could be opportunity to regulate other types of social/affordable housing (excluding public housing). As such, some amendment is required to PO19 to ensure that public housing is not regulated here.</p> <p>In terms of PO19 generally, and the requirement to provide a contribution towards the social housing needs of the Noosa community, this is not something that the planning framework specifically regulates (mandates or restricts), therefore council could regulate it. However, DSDMIP notes that it could be challenged by an applicant through appeal if the applicant considered a condition for the contribution to not be relevant or reasonable – this is a risk, and the council should seek its own professional/legal advice to inform its decision to include these provisions in the planning scheme.</p> <p>At this point, DSDMIP is not averse to the council going to public consultation with this provision in the planning scheme..</p>	<p><b>Noted. Wording to remain at this stage.</b></p> <p>Council is particularly concerned about the noticeable mismatch between the existing social housing stock, which includes a high proportion of detached houses in Tewantin and Cooroy. The Housing Needs Assessment Council commissioned in 2017 showed that (in 2015) of the 383 public housing rental dwellings:</p> <ul style="list-style-type: none"> <li>- 131 dwellings had one bedroom (34%),</li> <li>- 71 dwellings had two bedrooms (19%),</li> <li>- 143 dwellings had three bedrooms (37%),</li> <li>- 33 dwellings had four bedrooms (9%) and</li> <li>- 5 dwellings had five bedrooms (1%).</li> </ul> <p>In comparison:</p> <ul style="list-style-type: none"> <li>- 196 households in public housing dwellings were lone person households (51%),</li> <li>- 100 households had 2 occupants (26%), and</li> <li>- 42 households had 3 occupants (11%).</li> </ul> <p>The social housing waiting list is dominated by sole person households, who are not likely to qualify for a dwelling of three or more bedrooms.</p> <p>For this reason it is important that additional social housing be created in higher density areas, close to activity centres and transport where one and two bedroom units can be established and social housing mixed amongst other similar attached housing. Some level of regulatory intervention and incentive is necessary to make this occur.</p>
State Interest: Regulated requirements in the Planning Regulation 2017			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
3	Schedule 1 – Use and administrative definitions	<p><b>Action:</b> Remove Minor Electricity Infrastructure from the Use terms. If Minor Electricity Infrastructure is defined as an administrative definition, use the definition from Schedule 4 of the Planning Regulation 2017. If a different administrative term is used, ensure this is done in accordance with section 8 of the Planning Regulation 2017.</p>	It's not used in the scheme so <b>has been deleted from the definitions.</b>

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		<p>Define 'Essential network infrastructure' in the administrative definitions, ensuring compliance with section 8 of the Planning Regulation 2017.</p> <p><b>Reason:</b> There is no administrative definition for Minor Electricity Infrastructure or Essential Network Infrastructure.</p> <p>Minor Electricity Infrastructure is defined as a use term. However, section 7 of the Planning Regulation 2017 states that a local government may adopt only the use terms stated in Schedule 3, column 1. Minor Electricity Infrastructure is not listed in Schedule 3 as a use term.</p> <p>To clearly define electricity infrastructure and for consistency with the regulated requirements.</p>	
State Interest: <i>ShapingSEQ</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
4	Strategic Framework and all relevant sections	<p><b>Action:</b> Provide evidence the council has considered how growth will be dispersed appropriately and sustainably across its existing townships in order to meet <i>ShapingSEQ</i> projections. This includes providing evidence of the work undertaken by the council with Unitywater (including modelling and methodology) to demonstrate the ability to accommodate all future urban growth within the Urban Footprint. Note: Years of supply should be measured in accordance with <i>ShapingSEQ</i>, Chapter 5, p.173, 'Measuring supply and triggering action to increase supply'.</p> <p>The planning scheme has also identified additional 'urban areas' at Kin Kin and Coorobah (see Strategic Framework Map 1). Provide justification for these additional urban areas in accordance with p. 152 of <i>ShapingSEQ</i>.</p> <p><b>Reason:</b> While there is noted capacity within the Urban Footprint in certain locations, such as Cooroy and Pomona, the council has not provided evidence it has considered how growth will be dispersed appropriately and sustainably across its existing townships in order to meet <i>ShapingSEQ</i> projections. It is acknowledged that, given the extent of decentralised settlement across the Noosa Shire, a tailored approach to accommodating growth may be required in contrast to other councils in SEQ. This may include analysing different growth model scenarios and reviewing the distribution of growth in relation to infrastructure to strategically determine where future urban areas may be required.</p> <p><b>ADDITIONAL COMMENTS:</b> <b>Growth management</b> ShapingSEQ identifies an additional 6,400 dwellings will be required in Noosa Shire to 2041. At this stage, the department has no significant concerns with the capacity for additional dwelling growth to 2041 provided by council. However, the following advice is to be provided to council for ongoing consideration.</p> <p>The dwelling capacities provided by council for dwelling growth to 2041 relate to all dwellings (resident and non-resident). Council should note the department's analysis of the planning assumptions which support the new Noosa Plan is based on resident dwellings only, as the <i>ShapingSEQ</i> dwelling supply benchmarks are for resident dwellings, i.e. dwellings required to accommodate the projected resident population (as opposed to visitor accommodation).</p>	<p>The DMATT model established its baseline of development at 2016 and makes 5 yearly growth projection forecasts up to 2041 and ultimate. Specifically growth has been projected for land within the urban boundaries which coincides with the LGIP projection areas and priority infrastructure areas. The model demonstrates growth to be dispersed across the coastal urban area and hinterland townships and meets the SEQRP dwelling projections for 2041 with further ultimate capacity beyond that timeframe.</p> <p>Growth in dwellings is both within the urban footprint and also within the rural settlement and rural areas with the take up of vacant lots and secondary dwellings.</p> <p>Specially, the DMATT model showed there is the following capacity for additional dwelling growth to 2041 for each of the Priority Infrastructure Areas ( including hinterland towns) (within the urban footprint) and outside the urban footprint and PIA areas:</p> <p>Coastal urban Area (Tewantin, Noosaville, Noosa Heads, Sunshine Beach, Sunrise Beach, Marcus Beach, Castaways Beach and Peregian Beach): 4916 dwellings Cooroy: 1027 dwellings Boreen Point: 54 dwellings Cooran: 35 dwellings Pomona: 199 dwellings Kin Kin: 9 dwellings Coorobah: 2 dwellings Outside PIA: 438 dwellings</p> <p>The distribution of this growth is based on the ability to service the areas with infrastructure as identified in the LGIP.</p> <p>In relation to Kin Kin and Coorobah, these are very long established small settlements of urban density residential development with, in Kin Kin's case, some other town services. When the first Regional Plan was released as a draft around 2004 Council questioned why for example Boreen Point was given an urban footprint but Kin Kin was not and was just included as a "Rural Village". At any rate both have been shown as urban on the Strategy Map of the current Noosa Plan since 2006. The villages exist and are not going to be ignored. The urban footprint was not extended beyond the current scheme's town and village boundaries so no additional urban areas have been identified in the new planning scheme (see below).</p>



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		<p>The department's analysis indicates that relative to the ShapingSEQ dwelling supply benchmarks for additional dwellings to 2041, the dwellings projected by the DMATT growth forecasts: fall approx. 400 dwellings short of the Consolidation benchmark; slightly exceeds the Expansion benchmark.</p> <p>While the projected Consolidation growth to 2041 falls below the ShapingSEQ benchmark, the DMATT growth forecasts indicate substantial additional capacity beyond 2041. The department acknowledges that part of this additional capacity may be able to be taken up by 2041 to address the relatively small shortfall for Consolidation growth.</p> <p>It is noted that the assumptions underpinning the dwelling supply estimates of the DMATT growth forecasts may change over time, e.g. as a result of implementing the recommendations of best practice research undertaken by the Growth Monitoring Program (GMP). Also, it is currently considered that secondary dwellings should not be counted separately from the primary dwelling as part of the dwelling supply, but it is unclear the extent to which secondary dwellings contribute to council's reported dwelling growth and capacity.</p> <p>The department does not have concerns regarding the new draft scheme's ability to accommodate the projected growth at this stage. However, any changes to the assumptions and resulting dwelling supply estimates may require future planning scheme amendments to accommodate ShapingSEQ dwelling supply benchmarks in the future. Council should note this is a matter for ongoing review based on the GMP's annual Land Supply and Development Monitoring reports.</p> <p><b>Additional urban areas – Kin Kin and Cooroibah</b> In relation to the 'urban areas' at Kin Kin and Cooroibah (see Strategic Framework Map 1), the department notes these areas are shown as 'Urban' on the Strategy Map of the current Noosa Plan.</p> <p>The identification of these areas as 'urban areas' in the Strategic Framework does not incorporate these areas in the Urban Footprint under <i>ShapingSEQ</i>. <u>No change is required to the draft New Noosa Plan in relation to these areas.</u></p>	
5	Strategic Framework and all relevant sections	<p><b>Action:</b> Investigate the potential to identify longer-term options to accommodate growth in the northern area of the Noosa Shire. These should be reflected in the strategic framework for investigation.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> requires local government planning schemes to have at least 15 years supply of land (appropriately zoned and able to be serviced) available at all times. As such, and in accordance with the northern sub-regional direction, there must be longer-term growth opportunities proposed by council in the event additional urban land is required. Analysis carried out as part of responding to the item immediately above may also inform this response.</p> <p><b>ADDITIONAL COMMENTS:</b> In accordance with the northern sub-regional direction, council will be encouraged to investigate the potential to identify limited additional longer-term urban growth opportunities, giving consideration to broader strategies for their long-term rural, environmental and landscape sustainability.</p> <p><u>In line with this, council are encouraged to investigate the potential to identify longer-term options to accommodate growth in the northern sub-region. Opportunities should be reflected in the</u></p>	<p>Council does not agree with this and considers it unrealistic to suggest further growth in the northern part of the Shire.</p> <p>The only SEQ Regional Plan Urban footprint in the northern half of the Shire is over Boreen Point and expansion or infill of this village is impractical and undesirable for various reasons including the sensitivity of the lakefront environment, the special character, the lack of water and sewerage, the fact it gets cut off in flood events etc.</p> <p>The rural village of Kin Kin does not have an urban footprint at all and its growth is neither Council's nor the State's intention. It is a long way from employment or services with little or no transport options.</p> <p>Land within the urban footprint of Cooran is largely developed. Lots are larger than other urban areas for reasons of character, flooding and effluent disposal (no water or sewerage).</p> <p>In terms of the broader Shire, Council is aware of a couple of areas which may have potential for urban growth in the future, however they are not without constraints and as there has been no meaningful investigation to date it is preferred these not be mapped in this planning scheme at this stage as it prematurely generates speculation. These areas will be investigated later and potential be part of future planning scheme amendments.</p>

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		strategic framework for future investigation. This is not required to be a commitment to development within a certain timeframe.	
6	Strategic Framework and all relevant sections	<p><b>Action:</b> Identify the number of additional dwellings to be provided through zone changes and assessment provisions, and where these will be located. Specifically, identify and provide evidence of how housing diversity will be achieved across the Noosa Shire and in particular where new land is proposed to be included in the Urban Footprint.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> seeks to accommodate the region's urban growth needs in the Urban Footprint in an efficient manner. <i>ShapingSEQ</i> also promotes housing diversity to meet the changing make-up of our population and community needs. The planning scheme provisions must align with the policy directions under <i>ShapingSEQ</i> which seek to plan for and deliver a greater range of 'missing middle' housing forms in suitable locations.</p> <p><b>ADDITIONAL COMMENT:</b> As noted in response to item 4 above, <u>at this stage the department has no significant concerns with the capacity for additional dwelling growth to 2041</u> provided by council. However, council should note the advice provided in item 4 above, for ongoing consideration.</p> <p>Further, the department acknowledges council's Housing Needs Assessment which highlights a mismatch between dwellings being constructed and the needs of the Noosa community. It is noted particular needs relate to more affordable accommodation, smaller dwellings, additional aged care and special needs.</p> <p>The range of measures included by council in the draft New Noosa Plan to accommodate these needs are noted.</p>	<p>SEQ Regional Plan requires an additional 6400 dwellings between 2016 and 2041. This can be accommodated as outlined for point 4 above. Growth from the 2016 base year will be broken down into the following</p> <ul style="list-style-type: none"> <li>• The take up of existing or newly created vacant lots with detached dwelling houses (eg vacant lots in existing urban areas and newer subdivisions at Noosaville, Noosa Heads, Tewantin, Cooroy)</li> <li>• Redevelopment of older housing stock for dual occupancies and units</li> <li>• New medium density multiple dwellings next to the Major Activity Centres</li> <li>• Mixed use developments, Shop-top or ancillary units within existing activity centres</li> <li>• New and expanded retirement villages (latter stage of Domain, Palm Lakes, Blue Care etc)</li> </ul>
7	Zone Map ZM - 13	<p><b>Action:</b> Remove the Community Facilities (Residential Care Facilities) zoning from Lot 15 SP177649 at Noosa Heads.</p> <p><b>Reason:</b> The Planning Regulation 2017 (schedule 10, part 16) prohibits residential care facilities with a GFA or more than 5,000m2 outside the Urban Footprint. As the site is located in the RLRPA and has an area of 9.559ha, development of a residential care facility could be prohibited in this location.</p> <p><b>ADDITIONAL COMMENTS:</b> Including this lot in the Community Facilities zone (with no annotation) would not allow for the potential use of the site for residential care facilities, as intended by council. <b>Community Facilities is not an urban zone</b> and the development of a residential care facility with a GFA of more than 5,000m<sup>2</sup> on this site would be prohibited development under the Planning Regulation 2017.</p> <p>If the lot were included in an urban zone, future development on the site would be considered <i>excluded development</i> under the SEQ regulatory provisions. <u>However, council would need to undertake an assessment of the site against the Urban Footprint principles (see <i>ShapingSEQ</i>, Chapter 3) to determine the site's suitability for inclusion in an urban zone.</u></p> <p><b>The department invites further discussion with council about the potential options to facilitate council's intended use of this site.</b></p>	 <p>This is a site which while outside of the SEQ Regional Plan Urban Footprint is surrounded on two sides by Urban Footprint and contains substantially unconstrained land.</p> <p>While the whole site has an area of 9.5ha, approximately one third was proposed to be put in the Environmental Management and Conservation Zone and should remain undeveloped). It does contain some MSES values but much of the site is very disturbed due to previous uses. It is very close to urban services and Council saw it as a potential site for residential care facilities, a use which our Housing Needs Assessment identified as being in significant demand in the coastal part of the shire.</p> <p><b>Council will not pursue this at this stage and the site will be zoned Environmental Management and Conservation reflecting the current zone.</b></p>
8	Strategic Framework and all relevant sections	<p><b>Action:</b> Confirm whether the council has investigated and refined the <i>ShapingSEQ</i> regional biodiversity values for protection under the planning scheme.</p>	<p>Council prepared a Biodiversity Assessment Report for Noosa Shire and this is available on eplanning portal. The mapping from this report informed the Area of Biodiversity Significance on the Biodiversity Overlay maps and the connecting habitat areas and ecological linkages on the Strategic Framework Biodiversity &amp; Environment map. Council's biodiversity mapping uses the state's RE mapping as well as finer vegetation</p>

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		<p><b>Reason:</b> <i>ShapingSEQ</i> (Goal 4, Element 2, Strategy 1) requires the protection of regional biodiversity values, and the ecological processes that support them, from inappropriate development (see <i>ShapingSEQ</i>, Map 5b and Table 11b).</p> <p><u>The department is satisfied the council has investigated and refined the <i>ShapingSEQ</i> regional biodiversity values for protection under the proposed planning scheme.</u></p>	mapping (some of which has been ground-truthed). These maps have been reviewed against the regional biodiversity values and are consider to reflect and incorporate those values consistent with <i>ShapingSEQ</i> .
9	Community Engagement Strategy	<p><b>Action:</b> The department considers the approach to Traditional Owner engagement as part of the Community Engagement Strategy to be a positive approach. However, under <i>ShapingSEQ</i> councils are not only required to consult with Traditional Owners but to also consider and meaningfully integrate their feedback into planning documents in accordance with Goal 4, Element 1, Strategies 1 -3. As such, the council will need to demonstrate how the feedback received through this targeted engagement has been reflected in the new planning scheme.</p> <p>The Queensland South Native Title Services have offered to assist SEQ councils in connecting with local Traditional Owners, should the council need assistance. For further information, contact Kevin Smith, Queensland South Native Title Services, phone (07) 3224 1200, email kevin.smith@qsnts.com.au.</p> <p><b>Reason:</b> <i>ShapingSEQ</i> (Goal 4, Element 1) seeks to ensure Aboriginal and Torres Strait Islander peoples are engaged and their culture is respected and reflected in planning for the region.</p> <p><u>The department considers council's proposed and ongoing approach to Traditional Owner engagement to be a positive approach.</u></p> <p><u>Council should continue to demonstrate how feedback received during public consultation and through this targeted engagement has been reflected in the proposed New Noosa Plan for adoption.</u></p>	Council has had various meetings with the Kabi Kabi First Nation native title claimants over the last few years and has made successful progress in identifying areas of shared interest and areas where council can support and work with Kabi Kabi people. While the planning scheme is part of this, there are other areas of council business that Kabi Kabi can participate in decision making and in onground work. Council will continue to build relationships with these contacts and share information on environment and river related projects, landscape/conservation planning and employment opportunities (ranger/bushcare programs). Council will directly engage with Kabi Kabi during the next phase of community consultation for the planning scheme. Council will look to incorporate any planning scheme suggestions wherever appropriate. Council is also party to the State government ILUA negotiations with Kabi Kabi First Nations. This includes detailed tenure analysis of individual parcels in Noosa Shire where council has a property interest to determine how these interests could coexist with native title interests. Council is keen to foster open and cooperative relationship building with Kabi Kabi into the future. Targeted engagement as part of the planning scheme consultation is an important part of this.
State Interest: <i>Building Act 1975</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
10	Part 9 – Table 9.4.8.3 Criteria for assessable development (part); Conflicting land uses Table 9.5.1.3 Criteria for assessable development (part)	<p><b>Action:</b> Amend the performance and acceptable outcomes in Table 9.5.1.3, and AO14.1 in Table 9.4.8.3 to ensure consistency with the Building Act 1975 and QDC Code MP 4.4. Additionally, the scheme appears to introduce undefined terms in these tables, particularly, 'noise sensitive use'</p> <p><b>Reason:</b> The QDC MP 4.4 requires that, 'Habitable rooms in residential buildings located in a transport noise corridor are adequately protected from transport noise to safeguard occupants' health and amenity.' The current draft scheme appears to be inconsistent with the intent and purpose of this code as it generally seeks to have no new uses included, rather than have those uses designed and adequately protected from noise. This matter may require further discussion with Building Codes Queensland and Department of Transport and Main Roads.</p>	<p>Within the Transport Code, PO14 has been carried across from the current scheme. The transport code is not called up for a dwelling house. As the Transport Code is about designing and building infrastructure rather than designing and constructing residential development <b>we have deleted what was PO14 and corresponding AO14.</b></p> <p>Within the Reconfiguring a Lot Code, PO25 was also a carry-over from the existing scheme. Our approach has been to try to minimise or avoid residential development in those corridors we know will be noisy. <b>However we have deleted what was PO25 and AO25</b></p>
11	Building design and services 9.3.1.3 Criteria for assessment (part) AO6.1 A minimum of 4kW photovoltaic solar power system is provided for the dwelling. AO6.2	<p><b>Action:</b> <u>Remove requirements for 4kW photovoltaic solar power system.</u></p> <p><b>Reason:</b> The Building Regulation 2006 in Part 3 <i>Prescribed matters or aspects for local laws or local planning instruments</i>, specifies</p>	<b>PO6 and the corresponding AOs have all been deleted and subsequent provisions renumbered.</b>

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	<p>A solar hot water system or electric heat pump is provided for water heating. Energy efficiency PO6 Dwellings minimise energy consumption by incorporating: (a) solar power or other non-polluting renewable energy sources to supply part or all of the dwelling's energy needs; and (b) energy efficient systems for water heating.</p>	<p>building matters a local planning scheme may designate for the Building Codes Australia (BCA) or Queensland Development Code (QDC) and aspects of, or matters related or incidental to, building work about which a local government makes or amends in a provision of a local law or planning scheme or a resolution.</p> <p>The provisions in this part do not include adding large photovoltaic systems. A local government cannot force households to adopt photovoltaic systems of a minimum of 4kW.</p> <p>Energy efficiency provisions are included in QDC MP 4.1 Sustainable Buildings, refer A1(2)(C): (c) 1 star where a building has a solar photovoltaic system of at least 1kW in capacity (maximum power output) is installed.</p> <p>Local government can't impose the requirement for 4kw system as the QDC MP 4.1 allows applicants to choose photovoltaic cells as an option to achieve part of their required star rating.</p>	
<p>12</p>	<p>9.3.1.3 Criteria for assessment AO7.1 With the exception of the reuse or renovation of existing buildings which do not already comply, dwellings have: a roof pitch no less than 5 degrees to 75% of the roof; and 600 millimetre eaves to 75% of the perimeter of the dwelling</p> <p>Editor's Note — 450 millimetre eaves will achieve AO7.1(b) provided a 150 millimetre gutter is used. <b>AO7.2</b> With the exception of the reuse or renovation of existing buildings which do not already comply, the dwelling's roof colour achieves a maximum solar absorptance value of 0.5.</p> <p>Editor's Note— the solar absorptance value is included in colour selection brochures provided by companies that supply roof materials. The National Construction Code also provides some guidance on colours and their absorptance value.</p>	<p><b>Action:</b> <u>Remove requirements about the provisions regarding roof pitch and the width of eaves, these both form part of the energy efficiency provisions of the National Construction Code (NCC).</u></p> <p><b>Reason:</b> A local planning instrument must not include a provision about building work, to the extent the building work is regulated under the building assessment provisions, unless allowed under the Building Act - Planning Act 2016 Section 8 (5).</p> <p>It is not clear why Council is concerned about addressing building provisions which are governed by the building assessment provisions such as those in the NCC. To clarify, the provisions in AO 7.1 and AO7.2 are in conflict with the scope of the building assessment provisions. Council may address building design to achieve particular aesthetic design outcomes but not for the energy efficiency purposes as prescribed in AO7.1 and AO7.2</p>	<p><b>Original Performance outcome has been deleted and replaced with the following:</b></p> <p><b>Roof design &amp; articulation</b> <b>PO6</b> <i>Within the Local Plan Areas for Hinterland Villages, Cooroy, Tewantin or Noosaville, buildings contribute to the local character through buildings that incorporate:</i> a) pitched roof design; and b) eaves and/or awnings.</p> <p><b>AO6</b> <i>With the exception of the reuse or renovation of existing buildings which do not already comply, dwellings have:</i> a) a roof pitch no less than 5 degrees to 75% of the roof; and b) 600 millimetre eaves to 75% of the perimeter of the dwelling.</p> <p><b>Editor's Note — 450-millimetre eaves will achieve AO6 (b) provided a 150 millimetre gutter is used.</b></p>
<p>13</p>	<p>9.3.1.3 Criteria for assessment AO8 Where premises are connected to reticulated water supply, a minimum 5,000 litres of rain water storage is provided on site which captures rainwater from a minimum of half the roof area and enables its reuse for nonpotable purposes on site.</p> <p>Editor's Notes— For clarification, a total of 5,000 litre rain water storage is required for a site that includes a secondary dwelling or a dual occupancy.</p> <p>The Queensland Development Code includes provisions for the installation of rain water tanks and the reuse of stormwater.</p>	<p><b>Action:</b> <u>Remove requirements relating to rainwater tanks and other supplementary water supply systems.</u></p> <p><b>Reason:</b> Rainwater tanks including the mandatory provision of them has been removed for some time. Under the QDC MP 4.2 – RAINWATER TANKS AND OTHER SUPPLEMENTARY WATER SUPPLY SYSTEMS, local governments must apply to the Minister to make a local government area with a building development approval mandatory to install a rainwater tank – 4 Approval to make Part mandatory for an area (1) A local government may apply to the Minister for an approval to require the mandatory application of this Part to a building development application for a new class 1 building to be located within a reticulated town water area.</p> <p>Refer Building Regulation 7 Additional water saving targets (1) This section applies for work (relevant work) that— (a) is the subject of building assessment work or is accepted building work; and (b) is for a class 1 building. (2) A provision of a local law or planning instrument or a local government resolution may impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under QDC part 4.2. (3) However, an additional requirement may be imposed only if Noosa is not among the list of local governments listed in Schedule 2A of the BR therefore permission has not been sought or granted.</p>	<p><b>Original PO8 and corresponding AO has been deleted.</b></p> <p>Council may apply to the Minister for an approval to require the mandatory application of QDC MP 4.2 to a building development application for a new class 1 building to be located within a reticulated town water area and that we can apply to vary the application of MP4.2. This will be considered outside of this Planning Scheme State Interest Review process.</p>

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14	<p>9.3.1.3 Criteria for assessment AO20.3 Where involving a minor addition to an existing dwelling house that is situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area): the extension has a gross floor area not exceeding 20m<sup>2</sup>; and the finished floor level of any new habitable room is not less than the floor level of the existing habitable rooms.</p> <p>Editor's note—The QDC mandatory provisions MP3.5 also apply to the construction of buildings in flood hazard areas.</p>	<p><b>Action:</b> Remove provisions for storm tide inundation level.</p> <p><b>Reason:</b> The QDC MP 3.5 storm tides are not included in flood events. Storm tide events are very different in nature to a flood which is why they have not been included in the code. If building a minor addition, if no other planning provisions apply such as a for Ral, MCU or operational work, a building development approval can be done, however the level situated below the Defined flood level must be a non-habitable area. Under the Australian Building Codes Board's (ABCB), Construction of Buildings in Flood Hazard Areas Standard - 2.4 Floor Height Requirements Unless otherwise specified by the appropriate authority- (a) the finished floor level of habitable rooms must be above the FHL; and (b) the finished floor level of enclosed non-habitable rooms must be no more than 1.0 m below the DFL. Note: The structural provisions of this Standard are based on the DFL being a maximum of 1.0 m above the finished floor level of enclosed rooms. Therefore, if the appropriate authority permits more than 1.0m, additional structural analysis should be undertaken.</p> <p><b>ADDITIONAL COMMENTS:</b> It's acknowledged that council has amended the references to stormtide.</p> <p>By imposing a maximum 20m<sup>2</sup> GFA AO20.3 (1) Council is prescribing a structural design requirement in response to flood. This is in conflict with the building assessment provisions. Section 13 of the Building Regulation 2006 outlines what a local government may address in terms of building controls to mitigate flood impacts. Apologies for not making this clearer in our original comment.</p> <p>BLP is requested to provide the council with further advice on the applicability of QDC MP3.5 for alterations and additions in relation to extensions to existing buildings. For example Table 1 of QDC MP3.5 states this mandatory part is only applicable to additions to a class 1 building where the additions constitute 50% of more of the floor area of the existing building.</p>	<p><b>Provision has been deleted.</b></p>
15	<p>9.3.1.3 Criteria for assessment PO21 Enclosed car parking and manoeuvring areas do not obstruct the drainage of flood waters or create a health hazard after flood and storm tide inundation events; and AO21 Enclosed car parking and manoeuvring areas situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area) are constructed at a level that permits the parking area to drain from the site by gravity means, without the need for mechanical pumping.</p>	<p><b>Action:</b> Amend throughout the scheme for consistency with MP 3.5.</p> <p><b>Reason:</b> MP 3.5 - A1 The building complies with sections 2.3, 2.5 - 2.8 and section 2.10 of the national flood standard, and— ABCB Flood Standard 2.6 Requirements for Enclosures Below the Flood Hazard Level (FHL) (a) Any enclosure below the FHL must have openings to allow for automatic entry and exit of floodwater for all floods up to the FHL. (b) The openings must meet the following criteria- (i) doors and windows must not be counted as openings, but openings can be installed in doors and windows; and (ii) there must be a minimum of two openings on different sides of each enclosed area; and (iii) the total net area of all openings must be at least 1% of the enclosed area; and (iv) openings must permit a 75 mm sphere to pass through; and (v) any opening covers must not impede the flow of water.</p> <p><b>Council may refer to the performance requirements in the Code to achieve alternative solutions.</b></p>	<p><b>AO21 has been removed and PO13 reworded as follows:</b></p> <p><b><i>"Underground car parking areas are drained to function safely during a flood event and power failure."</i></b></p> <p>No further action required</p>
16	<p>9.3.1.3 Criteria for assessment PO22</p>	<p><b>Action:</b> Remove the provisions as they are already included in MP3.5 and ABCB's Construction of Buildings in Flood Hazard Areas Standard.</p>	<p><b>PO22 and AO22 have been removed</b></p>

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	Essential network infrastructure (e.g. on-site electricity, water supply, sewerage and telecommunications) maintains effective function during and immediately after flood and storm tide inundation events.	<b>Reason:</b> Refer <i>Planning Act 2016</i> Section 8 (5).	
17	9.3.1.3 Criteria for assessment AO22	<b>Action:</b> Amend provisions as per comment for AO20.3.  <b>Reason:</b> Comment Refer <i>Planning Act 2016</i> Section 8 (5).	<b>PO22 and AO22 have been removed</b>
18	9.3.1.3 Criteria for assessment Page 10 PO23 Filling, other than accessways, does not extent more than 1.0 metre beyond the footprint of any building, measured from the outer walls of the building.	<b>Action:</b> Amend or remove acceptable outcome.  <b>Reason:</b> Filling a distance of no greater than 1m from the building's footprint may require additional footing work in the form of drainage bollards and other structures such as retaining walls to hold back earthworks from a cut and fill site. This work would be classed as building work not operational work, due to requiring a concrete reinforced footing.  Note: the acceptable outcome has been referenced in the scheme as a 'PO' rather than 'AO'. <b>DSDMIP questions whether this is an operational works issue and should be dealt with through operational works requirements rather than the Low density housing code. Council to look further into this.</b>	Acceptable outcome has been removed however, we still had concerns about this for reasons of both overland flow and amenity. Some properties in Noosaville for instance that need to meet a minimum floor height are filling their whole site to be the same level of the floor. DSDMIP questions whether this is an operational works issue and should be dealt with through operational works requirements rather than the Low density housing code.  <b>Council has deleted the AO. An editor's note has been added to highlight the privacy and drainage issues that can arise when whole lots are filled to the boundary in urban areas:</b>  <b>Editor's note— Development should ensure that filling does not impacts on:</b> a) neighbouring privacy; b) the amenity and usability of neighbouring properties; or c) offsite drainage.
19	Table 9.3.3.3 AO13 Enclosed car parking and manoeuvring areas are constructed at a level that permits the parking area to drain from the site by gravity means, without the need for mechanical pumping.	<b>Action:</b> Amend to align with MP 3.5.  <b>Reason:</b> MP 3.5 - A1 The building complies with sections 2.3, 2.5 - 2.5 and section 2.10 of the national flood standard, and— ABCB Flood Standard 2.6 Requirements for Enclosures Below the Flood Hazard Level (FHL) (a) Any enclosure below the FHL must have openings to allow for automatic entry and exit of floodwater for all floods up to the FHL. (b) The openings must meet the following criteria— (i) doors and windows must not be counted as openings, but openings can be installed in doors and windows; and (ii) there must be a minimum of two openings on different sides of each enclosed area; and (iii) the total net area of all openings must be at least 1% of the enclosed area; and (iv) openings must permit a 75 mm sphere to pass through; and (v) any opening covers must not impede the flow of water.	<b>AO13 has been removed and PO13 reworded as follows:</b>  <b>"Underground car parking areas are designed to drain and function safely during a flood event and power failure."</b>
	Table 9.4.3.3 AO1.1 The footing of any structure or building is located clear of the zone of influence but no closer than 1.5m (measured horizontally) from stormwater structures.	<b>Action:</b> Remove provisions as these are contained in the building legislation.  <b>Reason:</b> Refer Building Regulation 2006 (BR), Schedule 1, Part 3 – 3 Work for particular retaining walls (1) Building work for a retaining wall is prescribed if— (a) there is no surcharge loading over the zone of influence for the wall; and (b) the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and (c) the wall is no closer than 1.5m to a building or another retaining wall  These provisions are also contained in the QDC MP 1.4 – Building over or near relevant infrastructure 4 Application	<b>All the Acceptable Outcomes AO1.1 to AO1.6 have been deleted and an editor's note added to stress development must comply with the QDC. (We want to make sure it is a matter that is remembered.)</b>

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		5(b) the building or structure is located so the invert level for a pipe forming part of the infrastructure is at least 300mm above the point of the zone of influence of the building or structure that intersects the vertical plane along the centreline.	
20	Table 9.4.3.3 AO1.2 AO1.3 AO1.4 AO1.5 AO1.6	<b>Action:</b> Amend provisions for consistency with QDC MP1.4.  <b>Reason:</b> This content has been covered in the Building Regulation under Schedule 1 Part 3 and MP 1.4. Building over or near relevant infrastructure.	<b>All the Acceptable Outcomes AO1.1 to AO1.6 have been deleted and an editor's note added to stress development must comply with the QDC. (We want to make sure it is a matter that is remembered.)</b>
21	Table 9.4.6.3 Building design PO8 (c) incorporates wide eaves and awnings for shading;	<b>Action:</b> Remove the requirement of width of awnings.  <b>Reason:</b> The use and width of awnings are contained in the NCC as part of the energy efficiency provisions.	<b>References to awnings have been deleted.</b>
22	Table 9.3.1.3 Bushfire Hazard Management AO19 (c), (d)	<b>Action:</b> Remove provisions related to mitigation of bushfire, which are contained in the Building Regulation section 12.  <b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for hardstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires.	Building Regulation 2006 Section 12 allows the Local Government planning scheme to nominate the designated bush fire prone area which we have done through the overlay. The provisions of the BCA and QDC apply for building assessment within that area. <b>Items c) and d) have been deleted.</b>
23	Table 9.4.1.4 Minimum parking requirements including <b>end of trip facilities.</b> AO6.2 Secure and convenient parking spaces for bicycles are designed and provided on site in accordance with— <b>AS2890.3 Bicycle Parking Facilities; and</b> AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10.	<b>Action:</b> Remove references to AS 2890.3 Bicycles Parking Facilities  <b>Reason:</b> Provisions for end of trip facilities are contained in the QDC MP 4.1 – Sustainable buildings, end of trip in End of Trip Facilities A12 & P12.  <b>BLP confirms any provisions outside of the QDC and NCC can be considered in planning scheme.</b>	<b>This was something the community of Noosa is quite keen on and is carried forward from the existing scheme.</b>  It is acknowledged: <i>In accordance with the Sustainable Planning Act 2009 section 233(7) and section 86, the QDC and BCA override any similar provisions of a local government's planning instrument. The QDC and BCA regulate sustainable building designs and features, and local governments should not include additional or more stringent measures in a planning instrument. Where a planning scheme, local planning instrument or local law is inconsistent with a regulation, such as the Building Regulation 2006, the planning scheme, local planning instrument or local law is of no effect.</i>  However in relation to end of trip facilities:  Queensland Development Code Mandatory Part 4.1—Sustainable buildings guideline only applies to end of trip facilities requirements on commercial office buildings, shopping centres, hospitals and tertiary education facilities where they exceed 2,000 square metres (as defined by the QDC) and these where they are <b>located in a designated local government area</b> , as listed in schedule 1 of the Queensland Development Code (QDC) ( <b>Noosa is not listed as one</b> )  For local governments not listed in schedule 1 of the QDC, end-of-trip facilities can also apply where a council has published notice of a resolution to adopt the QDC provisions. The resolution will be published in a local newspaper and be available on the local government's website. It will outline the area considered a designated local government area (which may be all or part of the local government area). Noosa can obviously pursue this if necessary.  <b>Part 4.1 also says:</b> <i>For the purpose of end-of-trip facilities, a local government <u>planning scheme may expand on the QDC requirements</u> by:</i> <i><u>requiring additional bicycle parking and storage facilities, locker facilities and change rooms higher than the QDC requirements</u></i> <i><u>expanding the definition of a major development to encompass a broader range of buildings.</u></i>

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			Therefore there would seem to be scope for NSC to control this and it is just a matter of following the procedure allowed for in the QDC  <b>Action:</b> <b>Have included an Editor's Note in the Driveways and Parking code stating that where there is an inconsistency between the scheme and the QDC, the QDC section 4.1 applies for what is considered major developments. Anything not listed as a major development is not covered by the QDC and therefore the planning Scheme can control.</b>
24	Table 9.4.8.3 AO14.2  <b>AS ADDRESSED IN #10 ABOVE</b>	<b>Action:</b> Remove noise attenuation requirements for buildings not in a designated Noise Corridor.  <b>Reason:</b> This only applies to a mapped transport noise corridor, not an area within the vicinity of an arterial road.	<b>Have deleted this from the code.</b>
25	9.4.6.3 PO1	<b>Action:</b> Remove the reference to natural light and cross ventilation.  <b>Reason:</b> The requirement for natural lighting and natural ventilation is contained in the NCC building provisions.  <b>ADDITIONAL COMMENTS:</b> BLP considers this unnecessary red tape. While this provision might seem minor, if a planning instrument contains several redundant provisions (with no bearing as they are addressed by building legislation) than it creates a readability/clarity issue and may also cause unnecessary confusion.  This provision may be more applicable to very specific sites to sites/uses which are owned by the council.	<b>PO1 now reads as follows:</b> <b><i>Development minimises energy consumption and the production of greenhouse gas emissions.</i></b>  <b>There is no AO provided.</b>
26	Part 8 Overlays AO1.2	<b>Action:</b> Remove provisions related to mitigation of bushfire as contained in the Building Regulation section 12.  <b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for hardstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires.  <b>FURTHER COMMENTS:</b> <b>BLP wants to ensure that Council removes other provisions in the planning scheme that feature the same principles as AO1.2 -- setbacks from hazardous vegetation (for class 1-3 buildings and associated 10a structures as per AS3959).</b>  <b>Please note that the reference to hardstands or pumps was made in relation to AO 3.2. It was also stated that all reoccurring provisions of that nature need to be removed from the scheme.</b> <b>Please ensure the other provisions (with similar principles as AO1.2) are addressed as per our Further Comments (regarding bushfire).</b>	<b>References to hardstands and pumps in AO3.2 have been removed.</b>  <b>Diagram showing the best place to build a house in bushfire areas has been removed.</b>  <b>Council has removed references to building setbacks from hazardous vegetation.</b>  <b>Other reoccurring provisions of this nature have been removed from scheme where they relate to building works.</b>  <b>New provision requiring that bushfire management measures be carried out on the subject property and not any adjoining property has been added to Bushfire Overlay Code.</b>  <b>Council awaits State agency response as to their acceptance of these changes.</b>
27	Part 8 Overlays AO3.2 AO3.3 AO3.4	<b>Action:</b> Remove building requirements and cut/fill requirements that are already regulated.  <b>Reason:</b> The structural design of buildings located on slopes is the structural engineer's role and is a building requirement, as are the classification and stabilisation of fill batters and what method should be used to stabilise the soil which makes up the battering. As for	This comment is presumably referring to Landslide Hazard Code Table 8.2.8.3.  Section 75 of the Building Act reads: <b>75 Earthworks and retaining walls</b>  If soil conditions, ground levels, excavation or filling make it necessary to protect land, buildings or structures in the neighbourhood of building work— (a) retaining walls must be built, or other suitable methods used, to prevent soil movement; and (b) drainage of the land, buildings or structures must be provided.



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		<p>limiting the height of cut and fill levels – refer for cut and fill for earthworks and retaining walls, section 75 of the <i>Building Act 1975</i>. The classification of earthworks and cut and fill provisions are contained in the NCC refer Volume 2 Part 3.1 Site Preparation. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>ADDITIONAL COMMENTS:</b> The Building Regulation 2006 Schedule 1 allows cut and fill to be self-assessable up to 1 metre. <u>Unless the council are trying to address aesthetic quality of building work or operational works requirements</u>, it should not be prescribing building provisions such as height of cut and fill. Refer definition of building work in the Building Act which includes excavation works.</p> <p>This provision is in various parts of the planning scheme. Amenity and aesthetics reasons can be incorporated which do not conflict with the building provisions. BLP confirms stability and erosion control are building provisions but aesthetics aren't.</p>	<p>The current and proposed scheme set a limit of 1.5m from natural ground to ensure buildings minimise modification to the natural topography for scenic amenity reasons.</p> <p><b>Amendments have been made to this Performance Outcome and Acceptable outcome to try to clarify it is about landscape character and aesthetics primarily rather than slope stability.</b></p> <p><b>Steep land, landscape character and scenic amenity</b> <b>PO3</b> <b>Development, including associated access, is designed and constructed to:</b></p> <ol style="list-style-type: none"> <li>be responsive to the natural topography and constraints imposed by the slope;</li> <li>retain the natural landforms, landscape character, vegetation, including the visual amenity of hill slopes and ridgelines;</li> <li>visually integrate into the streetscape and the natural surrounds; and</li> <li>ensure buildings and structures are not visually obtrusive, particularly from ridgelines, public open spaces, scenic routes and other critical vantage points, outside the site.</li> </ol> <p><b>AO3.1</b> <b>Buildings present no more than two storeys at any one point when viewed from the road or other public space.</b></p> <p><b>AO3.2</b> <b>Buildings and associated accesses are not constructed on land with a slope greater than 25% (1 in 4).</b></p> <p><b>AO3.3</b> <b>No additional lots intended to provide house sites are created on land with a slope of 25% or greater.</b></p> <p><b>AO3.4</b> <b>Buildings are designed to follow the natural landform rather than modify it.</b></p> <p><b>Editor's note- Designs that step down the slope using split level construction or elevated construction on suspended floors are a preferred alternative to standard slab on ground construction reliant on cut and fill of sites.</b></p> <p><b>AO3.5</b> <b>The extent of filling or excavation is revegetated immediately following completion of the works.</b></p> <p><b>AO3.6</b> <b>Any building, including any associated car parking structure:-</b></p> <ol style="list-style-type: none"> <li>has a maximum undercroft height at the perimeter of the building of 3 metres above ground level; or</li> <li>incorporates undercroft skirting or screening (such as timber battens) to the full height of any undercroft higher than 3 metres above ground level at the perimeter of the building; or</li> <li>incorporates landscape screening for the full height of any undercroft higher than 3 metres above ground level at the perimeter of the building.</li> </ol> <p><b>AO3.7</b> <b>On sites where slope gradients exceed 15% roof lines are generally parallel with contours of the land and roof pitch does not exceed 15 degrees.</b></p>
28	Part 8 Overlays AO2.4	<p><b>Action:</b> Amend to remove requirements for noise mitigation construction techniques/design.</p> <p><b>Reason:</b> Note unless the dwelling or building is in a Transport Noise Corridor, can the planning scheme implement noise mitigation construction techniques or design techniques. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>FURTHER COMMENTS:</b> The original comment made informed the council that <u>unless</u> the building work was in a designated transport noise corridor, the planning scheme cannot implement noise mitigation construction or</p>	<p>This relates to the Extractive Resources Overlay and the acceptable outcomes for development within the resource processing and separation area such as minimising openings in walls and using appropriate construction methods and materials including insulation and sound resistant glazing materials. Reference is made to the State interest guidance material – Mining and extractive resources page 19, which specifically includes the following within model code provisions.</p>

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		<p>design techniques. A certifier will not assess sound insulation requirements in line with a planning scheme because the National Construction Code contains the relevant requirements for wall treatments and glazing. Council can't introduce building controls such as these due to the scope of the building assessment provisions and the application of the Section 8 (5) of the Planning Act 2016.</p> <p><b>The NCC may capture these issues – this needs to be revisited. BLP are requested to look into this further and provide some further comments/advice. The council may look into a PO addressing amenity for this provision to avoid conflict.</b></p>	<p><i>Suitable mitigation measures may include:</i></p> <ol style="list-style-type: none"> <li>locating buildings and structures the greatest distance practicable from the resource extraction and processing areas and associated transportation routes;</li> <li>designing buildings so the areas where people work or congregate are furthest from the resource extraction and processing area and associated transportation routes;</li> <li>minimising openings in walls closest to the sources of any current or potential adverse effects;</li> <li>providing mechanical ventilation to areas in which people work or congregate;</li> <li>utilising appropriate construction methods and materials including insulation, seals, ts and glazing that minimise the transmission of noise, vibration, dust, fumes and odours, and</li> <li>providing outdoor recreation space adjacent to a building façade that shields the recreation space from resource extraction and processing areas and associated transport routes.</li> </ol> <p><b>AO2.4 now reads as:</b>  <b>Development within the extractive resource separation area incorporates design, orientation and construction materials that mitigate potential adverse effects from an existing or future extractive industry to acceptable levels by:</b></p> <ol style="list-style-type: none"> <li>locating buildings and structures the greatest distance practicable from the resource processing area and associated transport route;</li> <li>designing buildings so that areas where people live, work and congregate (habitable rooms) are furthest from the resource/processing area and transport route; and</li> <li>design and construction of walls and openings that minimise noise entry.</li> </ol>
29	Table 8.2.3.3 Lot design AO7	<p><b>Action:</b> Remove provisions related to siting for mitigation of bushfire.</p> <p><b>Reason:</b> The working building provisions are done by building certifiers on-site using AS 3959 Construction of buildings in bushfire prone areas. These provisions do not include the requirement for hardstands or pumps nor does the building legislation allow the local government to add building provisions for bushfires. Refer <i>Planning Act 2016</i> Section 8 (5).</p> <p><b>FURTHER COMMENTS:</b> The below highlighted provisions are in conflict with the application of AS3959 to the extent these provisions apply to class 1-3 buildings (and Class associated 10a structures).</p> <p><b>AO7</b> (ii) achieves setbacks from hazardous vegetation for a distance of 1.5 times the height of the predominant mature tree canopy or 10 metres, whichever is greater; and (d) is designed so that buildings and structures are sited in locations of lowest hazard within the lot and elements of the development least susceptible to fire are closest to the fire hazard.</p>	<p>References to hardstands and pumps have been removed from AO3.2 as per #26 above.</p> <p>References to setbacks from hazardous vegetation in AO1.3 has been amended. The setbacks in AO7 have been retained as these relate to reconfiguring a lot and not building works. It is about the correct placement of a building envelope where a future house would be located.</p>
30	Figure 8.2.3.4 Lot Design	<p><b>Action:</b> Remove Figure 8.2.3.4 Lot Design</p> <p><b>Reason:</b> The provisions relating to the placement of a dwelling uphill or downhill of slopes is contained in AS 3959 Construction of buildings in bushfire prone areas.</p>	<p><b>Figure 8.2.3.4 has been removed as has the reference to the figure in AO7.</b></p>

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		This information should not be changed or repeated for inclusion in planning schemes. Refer Planning Act 2016 Section 8 (5).	
31	8.2.6 Flood Hazard Overlay Code Throughout the POs and AOs in Table 8.2.6.3	<p><b>Action:</b> Please separate merging Defined Flood Event (DFE) provisions with Defined Storm Tide Event (DSTE)</p> <p><b>Reason:</b> These are not included in the current flood provisions as outlined in MP 3.5 – Construction of buildings in flood hazard areas and the Australian Standard Construction of Buildings in Flood Hazard Areas, please remove all merged data and requirements.</p> <p><b>If you separate through the overlay code, will you also separate on the overlay?</b></p> <p><b>BLP:</b> <b>If the storm tide provisions don't reference or interfere with our flood code, there is no issue.</b></p>	<p><b>References to the Design Storm Tide Event has been removed throughout the overlay in most instances though where high frequency nuisance stormtide flooding needs to be considered as a result of climate change the reference to DSTE has been retained (AO5).</b> Large parts of Noosaville are expected to be inundated by stormtide and frequent tidal inundation into the future.</p> <p>There is no need to distinguish between what is catchment flooding and stormtide inundation on the overlay mapping as in all instances stormtide areas are also affected by catchment flooding with catchment flooding being the more dominant hazard in terms of depth and extent of flood waters.</p>
32	<p>Table 8.2.6.3 AO1 The finished flood level is not less than the minimum design levels specified in Table 8.2.6.5</p> <p>AO2 The minimum area above flood level for each lot, is in accordance with Table 8.2.6.5</p> <p><b>AO4.2</b> Development provides for an area of sufficient size and dimensions on site above the PMF or PMST that allows for safe congregation and refuge.</p> <p><b>PO5</b> Development does not directly, indirectly or cumulatively alter the flood characteristics external to the development site for all flood events up to and including the DFE or DSTE based on: a) current climate conditions; and b) incorporating an appropriate allowance for the predicted impacts of climate change.</p> <p><b>AO5</b> In the Flood Hazard Overlay, or in areas otherwise determined to be subject to the defined flood event, development ensures: a) there is no loss of onsite flood storage capacity; b) all changes to level, depth, duration and velocity of floodwaters are contained within the site for all flood events up to and including the DFE or DSTE based on current climate and predicted impacts of climate change at 2100; and there is no acceleration or retardation of flows or any retardation in flood warning times elsewhere on the floodplain; and there is no increased stormwater ponding on sites upstream, downstream or in the general vicinity of the site.</p> <p><b>PO6</b> Development ensures that building design and building form accounts for potential flood risks and is resilient to flood events by: a) ensuring that building materials used have high water resistance and improve the resilience of a building during and after a flood or storm tide event; b) maintaining a functional and attractive street front address appropriate to the intended use; and c) where car parking and manoeuvring and basements areas are provided, ensuring these do not obstruct the drainage of</p>	<p><b>Action:</b> <u>Amend provisions that are in conflict with the Building Assessment Provisions.</u></p> <p><b>Reason</b> The provisions are in conflict with the Building Assessment Provisions. Refer s13 of the Building Regulation which outlines what a local government may prescribe in a planning instrument to address flood.</p> <p>The terminology used throughout these provisions is in conflict with terminology used in the building assessment provisions. For example, Minimum design level- surface level and minimum design level-flood level. Please review the QDC MP 3.5 and s13 of the Building Regulation 2006.</p> <p>Regarding overland flow and ponding, Refer P 2.2.1 and 3.1.1 Earthworks – 3.1.2 Drainage of the NCC V2 which addresses ponding, and impact of building work on surface water including onto adjoining sites.</p> <p><b>FURTHER COMMENTS FROM BLP:</b> <b>We cannot determine what has been changed adequately based on the information provided. The terminology in the QDC and ABCB Flood Standard cannot be changed and this includes 'Finished Flood Level' and 'Probable Maximum Flood.' PMST is ok because it relates to storm tide inundation which the flood codes don't address.</b></p> <p><b>Regarding the exclusion of dwelling houses from the overlay, this is helpful but the flood codes applies to all building work and not just dwellings. The flood overlay may address op works and ROL however.</b></p> <p><b>Thank you for changing reference to overland flow for ponding to relate to op works.</b></p> <p><b>Please ensure that the highlighted provisions are addressed accordingly, in line with section 13 of the Building Regulation 2006.</b></p> <p><b>Council may address climate change, DSTE and overland flow by siting new lots or reconfiguring existing lots.</b></p>	<p>Terminology in Table 8.2.6.4 changed to minimum <b>Finished Flood Level</b> for the floor levels of buildings as distinct from the finished surface level of new lots. This resolves terminology issue.</p> <p>Tables of assessment have been changed to exclude dwelling houses from assessment against the overlay code.</p> <p>The overlay code does not apply to dwelling houses but it does include provisions for other building works, operational works and reconfiguring a lot. Wording has been added to PO4, PO5 and PO10 to clarify what type of development the PO relates to, eg. RAL or operational works.</p> <p>Reference to overland flow and ponding etc (PO10) relate to operational works (earthworks etc) not building works. Wording has been changed to clarify this.</p> <p><b>AO6.1</b> has been deleted: Buildings and materials and surface treatments used below the DFE or DSTE are resilient to water damage and do not include wall cavities that may be susceptible to the intrusion of water and sediment</p> <p>An editor's note for flood resilient building materials has been amended and now reads: <i>Editor's Note—The use of flood resilient building materials is also encouraged for building works up to the probable maximum flood to reduce the consequences of flooding.</i></p> <p>Council would like to retain resilient building design requirements in PO6. Wording has been amended to avoid duplication with building regs. <b>Can BLP please advise on any additional wording changes if necessary that allow Council to maintain the intent of the PO particularly for streetscape amenity? This is relevant to our commercial/tourist area along the riverfront that gets inundated by flood water and stormtide periodically. New development should consider quality streetscape appearance when designing for flood immunity given the large changes in floor level required to meet the DFE.</b></p> <p><b>AO6.6</b> Basements and underground car parking areas are designed to drain and function safely during a flood event and power failure.</p> <p><i>Editor's note—Basements for residential uses should have flood immunity above the 1%AEP defined flood event with alternative means to mechanical pumping used to achieve such immunity.</i></p> <p><i>Basements for non-residential uses should have flood immunity above the 1%AEP defined flood event which may be achieved by means of mechanical pumping where the mechanical feature is installed with adequate holding tanks and an alternative back up power source.</i></p> <p><b>Reference in AO8</b> to "resist hydrostatic and hydrodynamic forces as a result of inundation" has been deleted.</p>

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<p>flooding waters or create a health hazard after a flood or storm tide events.</p> <p>AO6.1 Buildings and materials and surface treatments used below the DFE or DSTE are resilient to water damage and do not include wall cavities that may be susceptible to the intrusion of water and sediment.</p> <p>AO6.5 Non residential buildings and structures are oriented to the street by activating the street frontage with appropriate uses and urban design treatments such as recessed wall treatments, screening or landscaping, whilst allowing for flow through of flood waters on the ground floor. Editor's Note— The use of flood resilient building materials is also encouraged in areas above the DFE (up to the probable maximum flood) to reduce the consequences of flooding associated with unforeseen events larger than the DFE.</p> <p>AO6.6 Enclosed car parking and manoeuvring areas situated below the DFE or DSTE (or below the highest recorded flood or storm tide inundation level where the DFE and DSTE has not been modelled for the area) are constructed at a level that permits the parking area to drain from the site by</p> <p>AO6.7 Basements for residential uses have flood immunity above the 1%AEP defined flood event and alternative means to mechanical pumping are used to achieve such immunity.</p> <p>AO6.8 Basements for non-residential uses have flood immunity above the 1%AEP defined flood event which may be achieved by means of mechanical pumping where the mechanical feature is installed with adequate holding tanks and an alternative back up power source.</p> <p>AO8 Essential network infrastructure that is likely to fail to function or may result in contamination when inundated by flood water (e.g electrical switch gear and motors, water supply pipeline air valves and the like) is: a) located above the DFE and DSTE level (or where the DFE or DSFE has not been modelled for the area, above the highest recorded flood or storm tide inundation level for the area); or b) designed and constructed to exclude floodwater or storm tide intrusion and resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE or DSFE.</p> <p>PO10 Filling, excavation or retaining structures only occur where they: c) do not directly, indirectly or cumulatively cause adverse impacts external to the site; d) do not cause increased flooding, which adversely affects the safety or use of any land upstream or downstream; do not cause ponding of water on the site or nearby land; do not result in a reduction in flood storage capacity; do not adversely affect the flow of water in any overland flow path; and</p> <p>AO10 Filling, other than accessways, does not extend more than 1 metre beyond the footprint of any building, measured from the outer walls of the building.</p>	<p><u>Prevent building development approvals on those lots at the planning stage.</u></p>	
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	<p>AO11.1 Materials manufactured or stored on site are not hazardous or noxious, or do not comprise materials that may cause a detrimental effort on the environment if discharged in a flood event. OR AO11.2 If a DFE or DSFE is adopted, structures used for the manufacture or storage of hazardous material are: a) located above the DFE level; or b) <b>designed to prevent the intrusion of floodwaters;</b></p> <p><b>Table 8.2.6.5 Flood Levels and Flood Immunity Requirements</b></p> <p><b>Minimum design level – surface level</b></p> <p><b>Minimum design level flood Level</b></p>		
33	<p>Part 6.3 Residential Zones Category Part 6.3 Environment and Heritage Table 6.3.1.3 Criteria for assessment (part) AO19.3 Where there is a nominated building envelope on the lot, clearing of native vegetation and building works do not extend beyond the building envelope, except for the purposes of a driveway access. And AO12.3 of Table 6.3.5.3</p>	<p><b>Action:</b> Include a note to clarify that the certifier will need to assess bushfire attack level with regards to distance from vegetation in line with requirements in the National Construction Code and AS3959.</p> <p>Applies to all reoccurrences throughout the planning scheme.</p> <p><b>Reason</b> For consistency with NCC and AS3959.</p>	<p>This AO has been deleted.</p>
<p>???</p> <p>33B</p>	<p>Part 6.3 Residential Zones Category Part 6.3 Sloping sites Table 6.3.1.3 Criteria for assessment</p> <p><b>PO20</b> <b>is responsive to the natural topography and sits within the landscape rather than dominating it;</b> <b>steps down slopes or uses suspended floor construction;</b> <b>minimising cut and fill; and</b> <b>uses materials, finishes and colours that complement the natural setting and integrate with the landscape and skyline.</b></p> <p><b>AO20.1</b> <b>Buildings and structures are not constructed on land with a slope greater than 25%.</b></p> <p><b>AO20.2</b> <b>On properties located on ridgelines or where slope gradient exceeds 15%:</b> <b>roof lines are generally parallel with contours of the land;</b> <b>roofs do not exceed a pitch of 15 degrees;</b> <b>and buildings do not protrude above the height of prevailing vegetation.</b> <b>Editor's note—refer to Figure AP33B</b></p> <p><b>AO20.3</b> <b>Where slope gradients exceed 15%, split level buildings are used as an alternative to standard single or double storey construction to minimise building bulk and benching of the sites.</b> <b>Editor's note—refer to Figure 6.9.1A and Figure 6.9.1B</b></p> <p><b>AO20.4</b> <b>External building materials are lightweight (such as timber or board, stainless steel, glass, and corrugated iron) and nonreflective with large expanses of solid colours avoided.</b></p>	<p><b>Action:</b> Amend for clarity in all cases through the planning scheme in regards to aesthetic/visual character.</p> <p>Amend or remove any of the highlighted AO's if they are not strictly included for visual/aesthetic purposes.</p> <p>Remove Figure 6.9.1A and 6.9.1B unless it can be clarified in the relevant POs that the requirements are for visual/aesthetic reasons (as opposed to structural stability provisions which are captured by the building assessment provisions).</p> <p><b>Reason:</b> It's unclear if these provisions are strictly for aesthetic/visual character purposes only. If so, please clarify in the PO. These provisions reoccur throughout the scheme (such as PO11 and AO11 on page 59 of Part 6.3). Please amend all in line with these comments. The same provisions reoccur with slightly different requirements in other parts of the scheme such as PO15 and AO15 on of Part 6.8. Please amend the corresponding POs for those provisions in line with this comment.</p> <p>These inclusions far exceed the level of detail in building design prescribed by most local governments.</p> <p>The NCC addresses the structural requirements for buildings on slopes. Refer NCC Volume 2 Part 3.1.1.1 Earthworks.</p>	<p><b>We have re-written part of Table 6.3.1.3 (Residential Low Density Zone) now with the sub heading of Environment, heritage and scenic amenity to try to clarify these matters are tied to the landform and landscape</b></p> <p><b>PO19</b> <b>Development:</b></p> <ul style="list-style-type: none"> <li>a) <b>has minimal impact on the natural landform and landscape of the site;</b></li> <li>b) <b>does not lead to erosion or the transport of sediments off site;</b></li> <li>c) <b>does not lead to the disturbance of natural features, buildings or structures of cultural heritage significance.</b></li> </ul> <p><b>AO19.1</b> <b>Cut or fill is less than 1.5 metres in depth relative to the ground level.</b></p> <p><b>AO19.2</b> <b>Development does not result in sediment or other material including building materials or waste products being deposited or released into the road reserve, stormwater drain or adjacent properties.</b></p> <p><b>AO19.3</b> <b>Development on a site adjoining a local heritage place respects the cultural heritage significance of the place by mitigating any adverse impacts on the setting or integrity of the heritage values.</b></p> <p><b>Editor's Note—Local heritage places are identified on the Heritage and Character Area Overlay Maps in Schedule 2.</b></p> <p><b>PO20</b> <b>Development on sloping sites:</b></p> <ul style="list-style-type: none"> <li>a) <b>is visually responsive to the natural topography and sits within the landscape rather than dominating it;</b></li> <li>b) <b>steps down slopes or uses suspended floor construction, minimising Cut or fill and avoiding benching of the site;</b></li> <li>c) <b>retains natural vegetation that assists in screening or visually softening development; and</b></li> <li>d) <b>uses materials, finishes and colours that complement the natural setting and integrate with the landscape and skyline.</b></li> </ul>

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	<p>Figure 6.9.1A and 6.9.1B in Part 6.9</p>		<p><b>AO20.1</b> Buildings and structures are not constructed on land with a slope greater than 25%.</p> <p><b>AO20.2</b> On properties located on ridgelines or where slope gradient exceeds 15%: a) roof lines are generally parallel with contours of the land; b) roofs do not exceed a pitch of 15 degrees; and c) buildings do not protrude above the height of prevailing vegetation.</p> <p><i>Editor's note—refer to Figure AP3-3B</i></p> <p><b>AO20.3</b> Where slope gradients exceed 15%, split level buildings with small floorplates are used as an alternative to standard single or double storey construction to minimise building bulk and benching of the sites.</p> <p><i>Editor's note—refer to Figure 6.9.1A and Figure 6.9.1B</i></p> <p><b>AO20.4</b> External building materials are lightweight (such as timber or board, stainless steel, glass, and corrugated iron) and non-reflective with large expanses of solid colours avoided.</p> <p>Similar changes have been done in: Table 6.3.2.3 (Res Medium Density Zone) Table 6.3.3.3 (Res High Density Zone) Table 6.3.5.3 (Rural Residential Zone) Table 6.8.3.3 (Rural Zone)</p> <p>(We have also taken duplicated provisions out of the Local Area codes)</p>
<p>34</p>	<p>Part 6.3 Residential Zones Category Part 6.3 Sloping sites Table 6.3.1.3 Criteria for assessment</p> <p><b>PO21</b> Development and associated site works including filling, excavation and retaining structures do not directly, indirectly or cumulatively cause adverse impacts external to the development site by: causing ponding of water on the site or nearby land; increasing flooding, which adversely affects the safety or use of any land upstream or downstream; or adversely affecting the flow of water in any overland flow path.</p> <p><b>AO21</b> Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.</p> <p><b>Part 6.4</b> <b>Earthworks and Drainage</b></p> <p><b>PO50</b> Development and associated site works including filling, excavation and retaining structures do not directly, indirectly or cumulatively cause adverse impacts external to the development site by— causing ponding of water on the site or nearby land; causing erosion or the transport of sediment off the site; increasing flooding, which adversely affects the safety or use of any land upstream and downstream; or adversely affecting the flow of water in any overland flow path.</p> <p><b>AO50</b></p>	<p><b>Action:</b> Clarify provisions as per the reasoning below.</p> <p><b>Reason:</b> Are these provisions strictly only intended to address operational works? If so, please clarify in the PO and AOs. If the word 'development' is intended to address planning decisions and not building work, please also clarify.</p> <p>Please note that these or similar provisions reoccur throughout the scheme and all will need to be addressed in line with this comment (such as PO20 and AO20 in Table 6.3.2.3, PO18/AO18 Table 6.3.3.3 AND PO54/AO54 in Part 6.4, Table 6.4.2.3).</p> <p>If PO21 and AO21 (and PO50 AO50 above) are intended to apply to building work, this conflicts with P 2.2.1 and 3.1.1 Earthworks – 3.1.2 Drainage of the NCC V2 which addresses ponding, and impact of building work on surface water including onto adjoining sites.</p> <p><b>BLP:</b> <b>The provisions still don't state that they apply for operational works. Note that filling/excavation can be considered building work. Note the proposed changes in red.</b></p> <p><b>Council: Changes suggested in red have now been made</b></p>	<p>Changes have been made to zone codes to clarify that the provisions are for operations works (filling and excavation) not for building works</p> <p><b>PO21</b> Filling and excavation for operational works do not directly, indirectly or cumulatively cause adverse impacts external to the development site by: a) causing ponding of water on the site or nearby land; b) increasing flooding, which adversely affects the safety or use of any land upstream or downstream; or c) adversely affecting the flow of water in any overland flow path.</p> <p><b>AO21</b> Filling and excavation for operational works is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties or downstream environments.</p>

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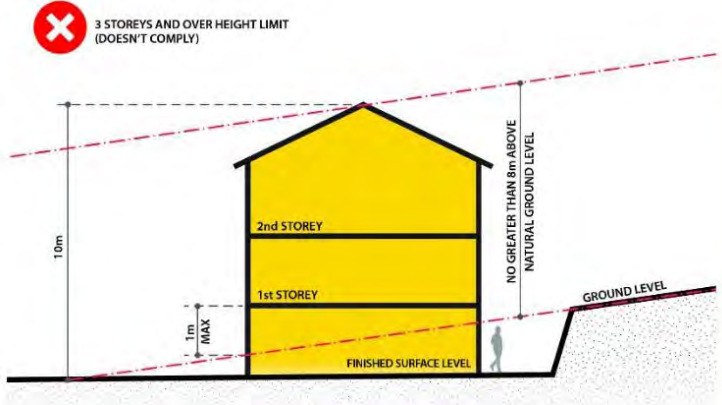
	Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.		
35	<p>Part 6.3 Residential Zones Category Environment, heritage and scenic amenity Table 6.3.2.3</p> <p>PO19 AO19.2 Development and associated site works, including filling and excavation is designed and constructed to ensure overland flow and/or flooding is not worsened, impeded, or otherwise diverted to adversely affect other properties.</p> <p>Environment and heritage Table 6.3.3.3 Criteria for assessment (part)</p>	<p><b>Action:</b> Clarify provisions as per the reasoning below.</p> <p><b>Reason:</b> This provision appears to be a flood/overland flow provision but it is located amongst other provisions to mitigate environmental impacts (transport of sediments, pollution etc). Please amend appropriately to clarify how this provision is relevant to environmental, heritage or scenic amenity. If intended as building provisions, it conflicts with the performance requirement contained in the NCC Volume 2 P 2.2.1.</p> <p>Please note that this provision reoccurs in throughout the planning scheme. Please address all as per above comment.</p>	<p><b>Changes have been made to clarify that the provisions relate to operational works for Earthworks and Drainage.</b></p>
36	<p>Part 6.3 Residential Zones Category</p> <p>Part 6.3 Safety and amenity Table 6.3.3.3 Criteria for assessment (part)</p> <p>PO14 AO14.4 Where windows, balconies, terraces, verandas or decks overlook or have the potential to overlook the private open space of nearby properties or view into habitable room windows within 10 metres—</p> <p>windows have a sill height of not less than 1.7m above finished floor level; windows and other openings are permanently screened to a minimum height of 1.7 metres to avoid overlooking; windows and doors use translucent glazing to obscure views; or windows or balconies are offset by 45 degrees or more.</p> <p>Editor's note—refer to figure AP31C AO14.5 Planter boxes, screens, pergolas, landscaping and architectural design of balconies are used to screen the ground floor private open space of dwellings from separate upper level dwellings. AO14.6 Permanently fixed external screening devices complement the building's external materials and finishes and may incorporate solid translucent screens, shutters, perforated panels or trellises which have a maximum of 50% openings. Editor's note—refer to figure AP31B</p>	<p><b>Action:</b> Include a note under AO14.4 and AO14.6 for the provision of sill height, glazing and openings to be made for amenity reasons but in consideration of the thermal performance requirements contained in the QDC MP 4.1 Sustainable Buildings as well as the energy efficiency requirements in the National Construction Code.</p> <p><b>Reason:</b> Refer NCC V2 Part 3.12 and Section J of Part 1.</p> <p>Please note that these requirements reoccur throughout the scheme (such as PO20/AO20 of Part 6.3) and these provisions will also need to be addressed in line with the above comment.</p>	<p>These provisions are about amenity (principally privacy but also access to natural light). It is not meant to address energy efficiency or thermal performance</p> <p>An editor's note has been added as suggested:</p> <p><i>Editor's note—Provisions for sill height, glazing, screening and window openings are to improve the residential amenity for occupants. Thermal performance requirements are contained in Queensland Development Code MP4.1 Sustainable Buildings. Energy efficiency requirements are contained in the National Construction Code.</i></p>
37	<p>Part 6.3 Residential Zones Category Part 6.3 Tourist Accommodation Zone Code Design Table 6.3.4.3 Criteria for assessment</p> <p>Streetscape PO14 AO14.4 Where floor levels are raised to accommodate flooding or projected sea level rise the building design must be designed to provide non-discriminatory access at the front of the development and engage with the footpath by having an external terrace within the front setback area that is set at an intermediate level between the footpath and the main ground floor that is suitable for outdoor trading, dining, seating or display of goods. An example is shown in Figure 6.3.4.5</p>	<p><b>Action:</b> Remove highlighted text in AO14.4.</p> <p><b>Reason:</b> Is this provision intended to apply to shopfronts or accommodation buildings (not residential homes)? If this is the case, a certifier will need to assess a raised floor level in line with the NCC Volume 1. Part D3 – Access for people with a disability outlines the relevant access requirements.</p>	<p>Offending words have been deleted</p>

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<p>38</p>	<p>Part 6.4 Centre Zones Category Part 6.4 Environment and heritage Table 6.4.2.3</p> <p>PO57 AO57.1 <b>Cut or fill is less than 1.5 metres in depth relative to the ground level.</b></p> <p>AO57.2 Where there is a nominated building envelope on the lot, clearing of native vegetation and building works do not extend beyond the building envelope, except for the purposes of a driveway access.</p> <p>AO57.3 Development on a site adjoining a heritage site respects the cultural heritage significance of the site by mitigating any adverse impacts on the setting or integrity of the heritage.</p>	<p><b>Action:</b> Clarify to ensure provisions only apply to designated environment or heritage areas.</p> <p><b>Reason:</b> These provisions should only apply to designated environment or heritage areas otherwise the requirement will be in conflict with the NCC earthworks requirements (NCC Volume 2 Part 3.1.1 and the Structural Provisions in Part B1 of the NCC Volume 1).</p> <p><b>These provisions reoccur throughout the scheme. Please address all accordingly.</b></p>	<p><b>The AO for cut and fill of no more than 1.5 m has been deleted from the various centre zones where under the heading of Environment &amp; Heritage.</b></p> <p>The relevant AO in the remaining zones (Environment and Residential zones) has been changed to make it clear that the outcome is for landscape amenity reasons and not for meeting structural building design requirements that are already covered in the building regs.</p> <p><b>AO</b> <b>For landscape amenity reasons, cut or fill is less than 1.5 metres in depth relative to the ground level.</b></p>
<p>39</p>	<p>Part 6.4 Centre Zones Category Part 6.4 Mixed Use Development Table 6.4.4.3 Criteria for assessment (part) Vandalism PO43 AO43 Buildings or structures that are visible from a public street or laneway: 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; <b>use toughened glass, security screens and other measures (but not including security shutters that obscure the view of shopfronts) are used in windows at ground level, to deter break and enters; and</b> <b>use hardy vandal proof materials</b> and antigrffiti paint in the construction of buildings.</p>	<p><b>Action:</b> Amend to remove conflict with building legislation as per reasoning below.</p> <p><b>Reason:</b> While local governments may prescribe requirements for visual/character and some amenity matters, these provisions conflict with the building legislation. The NCC and QDC address requirements regarding the use of materials for considerations such as glazing and thermal construction (to enhance energy efficiency). <b>Unless local government can qualify the requirements in (b) and (c), please remove. It is considered that it would be more appropriate to address vandalism via a more generalised list of performance outcomes and not specific building design requirements.</b></p> <p>Please note that these provisions regularly reoccur throughout the scheme. Please amend all accordingly.</p> <p>Refer QDC MP 4.1 and the NCC Volume 1 Part J.</p>	<p><b>Within Table 6.4.1.3 AO47 has been rewritten with:</b> <b>Buildings or structures that are visible and accessible from a public street or laneway:</b> <b>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;</b> <b>b) with windows at ground level use measures that deter break and enters without obscuring views to shopfronts; and</b> <b>c) are constructed to be vandal and graffiti proof.</b></p> <p>Also fixed in: Table 6.4.2.3 Table 6.4.3.3 Table 6.4.4.3 Table 6.5.1.3 Table 6.5.2.3 Table 6.6.1.3 Table 6.7.1.3 Table 6.8.1.3</p>
<p>40</p>	<p>Part 6.5 Industry Zones Category Part 6.5 Environment and Heritage Table 6.5.1.3 Benchmarks for assessable development PO41 AO41.2 If a DFE or DSFE is adopted, structures used for the manufacture or storage of hazardous material area: a) located above the DFE level; or b) <b>designed to prevent the intrusion of floodwaters; or</b> c) if a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of flood waters.</p> <p>Editor's Note— Refer to the Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the <b>Building Act 1975 for requirements relating to the manufacture and storage of hazardous substances.</b> Information is provided by Business Queensland on the requirements for storing and transporting hazardous chemical.</p> <p>Also reoccurs in PO33 and AO33 of Part 6.5.</p>	<p><b>Action:</b> Remove AO41.2 (b) which addresses building design; please refer section 13 of the Building Regulation 2006 for building matters a local government may prescribe to address flood. Clarify provisions as per reasoning below.</p> <p><b>Reason:</b> Regarding the highlighted part of the editor's note, which provisions under the Building Act does this refer to? Clarify that this isn't an error. Also on Page 30 of Part 8. Section 103(f) of the Building Act 1975 briefly mentions hazardous materials in relation to Certificate requirements but this is just included as an example:</p> <p>Building Act 1975: 103 Certificate requirements</p> <p>A certificate of classification must: (f) if the development uses alternative solutions—state the materials, systems, methods of building, management procedures, specifications and other things required under the alternative solutions. Examples of possible alternative solution requirements relating to materials— • a limitation on the use of finishes with fire hazard properties as defined under the BCA</p>	<p><b>These flood provisions have been deleted from the various zone tables.</b></p>



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		<ul style="list-style-type: none"> <li>• a prohibition on storing hazardous materials above a stated height</li> <li>• a limitation on storing or using stated materials</li> </ul> <p>Examples of possible alternative solution requirements relating</p> <p>Please note that this provision reoccurs throughout the scheme therefore please address all instances.</p>	
41	<p>Part 6.6 Recreation Zones Category Table 6.6.1.3 PO23 AO23</p> <p>Development incorporates design features and elements to manage resources of water and energy efficiently and effectively through:</p> <p><b>buildings that maximise opportunities for natural ventilation and lighting;</b></p> <p>water sensitive urban design allowing for the reuse or rainwater and storm water on the site; and on site generation of renewable energy.</p> <p>ALSO Part 6.7 PO12 and AO12</p>	<p><b>Action:</b> remove the highlighted provisions which address energy efficiency provisions covered by the scope of assessment criteria contained in the Building Assessment Provisions. Clarify what measures apply to AO23 (c).</p> <p><b>Reason:</b> Refer to the QDC MP 4.1 – Sustainable Buildings, Section J of the NCC Volume 1 and Part 3.12 of the NCC Volume 2.</p>	<p>We note Certifiers will use the energy rating computer system to satisfy the energy efficiency requirements in the NCC</p> <p>For the Recreation and Open Space Zone we would like to leave in a Performance outcome because the likelihood is that development would be done by the State, Council or a community group and we'd like it to be exemplary development. <b>For this reason the acceptable outcome has been deleted but we propose a Performance outcome that reads:</b></p> <p><b><i>“Development for the purpose of a community use or sport and recreation is located, designed and operated to be responsive to the sub-tropical climate and make the most of natural light, ventilation and on site rain water capture and reuse.”</i></b></p>
41B	<p>Part 6.7 Environmental Zones Category Table 6.7.1.3 Height and Scale</p> <p>PO7 AO7.1</p> <p>Buildings and structures are no more than 4 metres in building height from the ground level and no more than 4 metres above the finished surface level.</p>	<p><b>Action:</b> Clarify provisions and ensure no conflict with building legislation – see reasoning below.</p> <p><b>Reason:</b> Is the provision in AO7.1 intended to be an and or for building height being either 4 metres above the ground level or 4 metres above the finished surface level? <b>If the building must be no more than 4 metres in height from ground level, how could it be less than 4 metres from surface/finished floor level?</b> Please clarify the provision to avoid confusion. Please also ensure there is no conflict with requirements under s13 of the Building Regulation 2006 and the QDC MP 3.5 regarding finished floor levels to address flood hazard.</p> <p>Please note that this wording with regard to height from ground level and surface level reoccurs throughout the scheme and all other instances will need to be addressed accordingly.</p> <p><b>BLP FURTHER COMMENTS:</b> Please ensure your decision is informed by established terms in legislation:  Building Regulation 2006: natural ground surface, for a building, device or structure, means the ground surface located at site of the building or structure on the day the first plan of survey showing the relevant allotment was first registered.</p>	<p><b>There are implications regarding flooding - Where filling of the site is required to meet flood immunity, the maximum building height is not measured from the finished surface level, it is measured from natural ground level.</b></p> <p><b>A development's building height is measured from both the ground level and the finished surface level, the building height is whichever height is the greater. Furthermore, “Finished surface level” is listed in the administrative definitions for reader clarity as “the level of ground specified in a current development permit”.</b></p> <p><b>Historically, if for example the building is in a flood hazard area a relaxation to the 4m building height may be considered. Further if backfilling did not occur around a basement garage the finished surface level would be lower than the natural ground level. The diagram below gives an example of how height is measured.</b></p> 
42	<p>Schedule 1 Definitions</p> <p>Probable maximum flood (PMF): probable maximum flood (PMF) means the largest flood that could reasonably occur at a particular location, resulting from the probable maximum precipitation. The probable maximum flood defines the extent of flood prone land. Generally, it is not physically or financially possible to provide general protection against this event.</p> <p>PMF (as above)</p>	<p><b>Advice:</b> Consider removing reference to PMF as this is not an established method for determining flood risks under the National Flood Standard or the QDC MP 3.5.</p> <p><b>ADDITIONAL ADVICE:-</b> BLP considers the use of this terminology will cause confusion with the Flood Code and QDC. BLP wondered if the terminology could be changed to make it clear that it applies to evacuation routes/refuge areas? The National Flood Code refers to annual probabilities of exceedance.</p>	<p>The Queensland Flood Commission of Inquiry from the 2011 Brisbane Floods emphasised the importance of planning for flooding risk beyond the standard 1%AEP event (1 in 100 year event). The reference to PMF relates to providing areas of safe refuge for new communities that may otherwise be isolated in an extreme event. This is considered appropriate for the remaining developable flood affect areas in Noosa Shire.</p> <p><b>With the exception of the definition, the only place this phrase is used is in the Flood Hazard Overlay and it has been clarified it is only relevant to reconfiguring a lot.</b></p> <p><b>The definitions themselves have not been changed.</b></p> <p><b>BLP: PMF may be used as a term for ROL only</b></p> <p>No further action required.</p>

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		DSMDIP notes that it appears the only reference to PMF is for determining evacuation routes and congregation and refuge areas for development.	
State Interest: <i>Mineral Resources Act 1989</i>			
Ref. Number	Planning Scheme Reference	Requirement	NSC response
43	Strategic Framework	<p><b>Action:</b> Include a section in the strategic framework which indicates that mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases can be found at Mines Online Map. Refer to the Department of Natural Resources, Mines and Energy's Mines Online Maps for information on mines and mineral occurrences.</p> <p><b>Reason:</b> Section 4B of the <i>Mineral Resources Act 1989</i> requires planning schemes to notate the location of mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases.</p>	<p><b>Have added the following Editor's Note within the section on Extractive Industries within 3.2.</b>  <i>Mining tenements, specifically Mining Claims, Mineral Development Licences and Mining Leases can be found at the Department of Natural Resources, Mines and Energy's Mines Online Map.</i></p>

### Part C—Advice

#### The guiding principles

Efficient			
Ref. Number	Planning scheme reference	Advice	NSC response
1	3.2.2 - Accessible, diverse and affordable communities	<p>Strategic Framework (section <b>Accessible, diverse and affordable communities</b>) refers to 'Local Area Plan Codes'. Suggest this is meant to be 'Local Plan Codes'.</p> <p><b>Reason:</b> The term 'Local Area Plan Codes' do not appear to exist under the scheme other than in the Strategic Framework; remainder of the scheme refers to Local Plan Codes.</p>	Noted. Replaced terms
2	Part 5	<p>Explain what is meant by impact assessment - inconsistent use.</p> <p><b>Reason:</b> There could be confusion as to what level of assessment there is for a use as opposed to whether the planning scheme considers a use to be consistent or inconsistent.</p>	Don't believe there is confusion. No change

#### Planning for economic growth

Agriculture			
Ref. Number	Planning scheme reference	Advice	NSC response
3	Part 3 – Strategic Framework, Part 3.2.2 – a well managed and sustainable Noosa Shire, Second last paragraph above “Key Challenges”	<p>Remove reference to “intensive factory farming”, and replace with intensive rural activities.</p> <p><b>Reason:</b> Ensure consistency with use terms defined under the Planning Regulation 2017, and to remove emotive language.</p>	<p><b>Sentence now reads as “Any form of development that has the potential to adversely impact on surrounding natural resources and environmental values will not be supported unless it can be located and designed to avoid environmental harm or nuisance.”</b></p>
4	Part 3 – Strategic Framework, Section 3.3.1 Settlement Part (b)	<p>Remove reference to good quality agricultural land (GQAL) and replace it with ALC Class A/B land or include the term as an administrative definition and define what land is considered GQAL, i.e. ALC Class A, B and C land/ALC Class A/B land and Important Agricultural Areas etc</p> <p><b>Reason:</b> Good Quality Agricultural Land has been replaced as a definition by ALC Class A and B land.</p> <p>DAF is simply seeking clarification so that users know what has been mapped. There is no longer any such thing as GQAL, therefore whatever term is used should be defined</p>	<p>Council are not going to use ALC Class A and B because that does not reflect what we have mapped as our Agricultural Lands.</p> <p><b>In 3.3.1 we've changed to the phrase "quality farming land"</b></p> <p><b>In Rural Activities Code for aquaculture we've changed reference at PO18 to "agricultural land"</b></p>
5	Part 3 – Strategic Framework Section 3.3.5 Economy and employment	<p>Clarify if it is indeed Important Agricultural Areas (as per SPP mapping) that are referred to in Part (u) and is there an Agricultural Land Map in Schedule 2 as suggested?</p>	<p><b>Mapping change done</b></p>

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	Part (u)	<p>Additionally, please clarify if the Strategic Framework Map 2, Economy and Employment should include Agricultural Land Conservation Area mapping – says “pending” on the map itself.</p> <p><b>Reason:</b> Part (u) refers to Important Agricultural Areas (IAAs) and it’s unclear if this refers to IAAs as mapped on the DSDMIP interactive mapping or Agricultural Land Conservation Area as mapped in the Agricultural land overlay.</p>	
6	Part 5 Tables of assessment Rural Zone Code Rural Activities Code	<p>The council may wish to consider that dust, odour and other emissions or contaminants generated from an appropriately managed <b>intensive horticulture</b> or wholesale nursery may be of a level lower than that of an equivalent non-intensive operation.</p> <p>It’s noted that the council recognises that visual amenity may be protected by soft landscaping / screening in certain situations.</p> <p>Soft landscaping is supported as a solution to reducing setbacks and there is value in its use to allow coexistence between potentially conflicting land uses, especially when the conflict is related to perceived issues with visual amenity.</p> <p><b>Reason:</b> There is concern that the planning scheme is explicitly unresponsive of intensive agricultural activities without considering many of the benefits of intensive operations. Intensive agricultural operations often produce high value product, take up less land, are closer to markets, require less chemicals and produce less nuisance impacts than non-intensive rural uses. This differs depending on what is being produced and intensive rural activities can pose other impacts that need to be managed, however this is possible and consequently the use should be offered more support in the planning scheme.</p>	<p><b>Have made some adjustments to treat all cropping and intensive horticulture the same in the Rural Activities code and put the onus back on the component activities such as chemical spray, fertilisers etc.</b></p>
7	Part 6.7 Environmental Management and Conservation Zone Code Table 6.7.1.3 PO 5	<p>Amend PO5 to read: Development maintains the primary function of the zone and protects ecologically important areas, water catchments, <b>waterway connectivity, marine plants</b>, beach protection and coastal management areas and land with historical or cultural values.</p> <p><b>Reason:</b> Recognition is needed of the connectedness of habitats by and along waterways – SPP – biodiversity policy 4.</p>	<p><b>Additional wording added</b></p>
8	Part 6.8 Other Zone Categories Rural Zone Code Table 6.8.3.3 PO11 Part 7 Local Plans Table 7.2.1.3 (PO14 & PO15) Table 7.2.2.3 (PO21 & PO22) Table 7.2.3.3 (PO26 & PO27) Table 7.2.4.3 (PO31 & PO32) Table 7.2.5.3 (PO26 & PO27) Table 7.2.6.3 (PO20 & PO21) Part 8 Table 8.2.2.3 (PO1, PO5, PO6) Part 9 Development Codes Table 9.3.11.3 (PO13) Table 9.3.13.3 (PO9 & PO20) Table 9.4.8.3 (PO12) Table 9.4.9.3 (PO11) Table 9.4.10.3 (PO7)	<p>Consider adding an additional point to the identified PO’s or overall outcomes section where relevant</p> <ul style="list-style-type: none"> <li>Maintain or enhance fish passage.</li> </ul> <p><b>Reason:</b> Contributes to avoiding adverse impacts on MSES.</p>	<p><b>Additional wording added to reference wildlife connectivity and fish passage</b></p> <p>For example PO11 of Table 6.8.3.3. says: <i>Development does not have a significant adverse impact on the natural values of the site including through:</i> <i>a) loss of biodiversity values, fauna habitat and fish passage;....</i></p> <p>In the local Area Plans wording has been amended to: <i>Development maintains and protects an integrated open space network throughout the locality to—</i> <i>a)...</i> <i>b)...</i> <i>c) provide habitat connectivity for wildlife and fish passage;</i></p> <p>Fish Passage is also referenced in both the overall outcomes and the performance outcomes of the Water Quality and Drainage.</p>
9	8.2.2 Biodiversity, Waterways and Wetlands Overlay Code Zone MAP: ZM-2 Zone MAP: ZM-4 Zone MAP: ZM-5 Zone Map: ZM-11 Zone Map: ZM-12 Zone Map: ZM-13	<p>Include the Noosa River declared FHA (A) and Noosa River declared FHA (B) in the mapping of environmental values (and on all other relevant mapping). Note the constraints of FHA management on development. The requirements from the State perspective for accepted development in this area is described in <a href="https://www.npsr.qld.gov.au/managing/pdf/accepted-development-requirements.pdf">https://www.npsr.qld.gov.au/managing/pdf/accepted-development-requirements.pdf</a> <i>Accepted development requirements for operational work that is completely or partly within a declared Fish Habitat Area.</i></p> <p><b>Reason:</b> The mapping does not recognise the Noosa River declared Fish Habitat Area. As MSES, this should be included and considered in the documents. The FHA protects fishery resources. The recognition of it as an environmental value and as an area requiring special consideration during development is important.</p>	<p><b>We have included the Fish Habitats on the Biodiversity Overlay Maps</b></p>
10	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Environmental Management; AO10.2 and AO10.3	<p>Consider rewording or removing these acceptable outcomes.</p> <p><b>Reason:</b> On site reuse of waste as soil conditioners and fertiliser and composting of waste are appropriate ways of managing waste generated by the activity and can be managed in way that complies with performance outcome PO10.</p>	<p>The offending AOs were that <i>The reuse of waste litter, manure and other organics as soil conditioners or fertilizers is not undertaken on-site; and that Composting activities are not undertaken on-site.</i></p> <p><b>We have removed these from the Rural Activities Code and put them in the Regional Infrastructure Overlay Code which is where the water supply catchments are addressed.</b></p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

			<b>As discussed agricultural uses will be assessable against this code where within the water supply catchment.</b>
11	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Animal Husbandry; AO12.3, AO12.4, AO12.5 and AO12.6	<p>Remove these acceptable outcomes.</p> <p><b>Reason:</b> The acceptable outcomes relate to pig keeping and poultry farming which are an intensive animal industry not animal husbandry, as defined in the use definitions in schedule 1.</p> <p>These acceptable outcomes also place unrealistic restrictions on intensive animal industry development in the rural zone.</p>	Refer previous discussion. There has been significant re-drafting within the Rural Activities Code and it is considered the provisions will work regardless of the use interpretation.
12	Part 9 Development Codes; Section 9.3 Use Codes; 9.3.13 Rural Activities Code; Table 9.3.13 – Criteria for Assessment; Animal Husbandry; AO13.2	<p>Remove this acceptable outcome (AO13.2).</p> <p><b>Reason:</b> It does not relate to or demonstrate compliance with performance outcome PO13.</p>	Fair comment operational rather than separation issue – it's deleted.
13	Part 9 Development codes Aquaculture Table 9.3.13.3 AO18.2	<p>Amend AO18.2 to read, for example, '<i>Upon cessation of aquaculture production the soil profile within the <del>aquaculture development</del> developed area is rehabilitated, as close as practical, to predevelopment conditions.</i>'</p> <p><b>Reason:</b> The Queensland Government is currently in the process of identifying 'Aquaculture Development Areas' (ADAs) in Queensland. It is proposed to recognise ADAs in the SPP. To avoid confusion where ADAs have or have not been identified, it is recommended that another term be used rather than 'aquaculture development area'.</p>	OK change made
14	Biodiversity Overlay	<p>The planning scheme could note that the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i> allow for native forest timber production authorised under the <i>Forestry Act 1959</i> and the <i>Vegetation Management Act 1999</i> to generally be conducted without being subject to the provisions of a planning scheme. Additionally, operational work authorised by the <i>Forestry Act 1959</i> for removing quarry material cannot be made accessible development.</p> <p><b>Reason:</b> The <i>Forestry Act 1959</i> provides the authority for the State to sell forest products and quarry material from forest tenures, applicable Crown holdings and some freehold land.</p> <p>Forest tenures are State forests, timber reserves, forest entitlement areas and forest consent areas. Applicable Crown holdings are parcels of State land leased under the <i>Land Act 1994</i> (e.g. grazing leases such as pastoral holdings, grazing homestead perpetual leases, term leases, etc.). Freehold tenure with forest products and quarry material belonging to the State is that recently converted from leasehold with forest consent areas (mentioned above) and/or an issued deed of grant for the State's continued ownership or reservation of quarry material.</p> <p>Continued access to State-owned log timber, forest products or quarry material on these tenures or areas is required for the State to meet contracted obligations under long term supply agreements, to help meet local and regional demand and to help underpin regional infrastructure development and maintenance.</p> <p>The <i>Forestry Act 1959</i> is administered by the Department of Agriculture and Fisheries.</p> <p>The <i>Vegetation Management Act 1999</i> allows for native forest timber production on freehold land. Continued access to log timber on freehold is required to help meet local and regional demand and to help underpin regional infrastructure development and maintenance.</p> <p>Native forest harvesting authorised under the <i>Forestry Act 1959</i> maintains environmental and heritage values through adherence to codes of practice and other instruments, and is certified under the Sustainable Forest Management (AS 4708) standard.</p> <p>Native forest harvesting authorised under the <i>Vegetation Management Act 1999</i> maintains environmental and heritage values through adherence to the <i>Managing a native forest practice: a self-assessable vegetation clearing code</i>.</p>	Added an Editor's note above Table 8.2.2.3 regarding forestry
15	Agricultural Land Overlay, Agricultural Conservation Areas	<p>The mapping of Agricultural Conservation Land is generally satisfactory (apart from the issues raised in Part A), there is some concern that this mapping is very different to the ALC Class A and B mapping on the SPP interactive mapping system, and given that it doesn't just represent ALC Class A/B land, there is no way for the custodian (Department of Environment and Science) of the ALC Class A/B land data to amend the SPP mapping.</p>	<p>The SPP guidelines specifically allows a Local Government to locally refine state mapping, which Council has done. DAF was well informed of us doing this at the time. The only instances where ALC Class A&amp;B mapping was removed was where it conflicted with other State mapping that made it a nonsense (such as SEQ Regional Plan Urban Footprint, protected remnant veg or water catchment). C class lands were added into the</p>

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		<p><b>Reason:</b> This may cause uncertainty for proponents due to consistency issues.</p>	<p>mapping because pasture fed protein has considerable potential to contribute to rural economies within Noosa Shire. Nowhere in the scheme is ALC Class A and B referred to so we do not believe it will cause confusion.</p> <p>Note that ALCA has been reinstated where it overlapped with the water catchment.</p> <p><b><u>On 12 September 2018 Council received a letter from Soil and Land Resources of Department of Environment and Science advising changes were being made to the Agricultural Land Classification (ALC) mapping that informs the State Planning Policy (SPP). Over the ensuing days our GIS officer has been in communication with the Soils team to ascertain how to access the correct layers however time has not allowed for the recreation of our Agricultural Land Conservation Area (ALCA) as it appears on the Strategic Framework Economy &amp; Employment Map and on the Agricultural Land Overlay Maps.</u></b></p> <p><b><u>Council will rerun the ALCA mapping over the course of the next week and provide updates to the above maps once available. We would not anticipate State Interest concern with this process.</u></b></p>
Development and construction			
Ref. Number	Planning scheme reference	Advice	NSC response
16	Infill in Coastal Communities Zone map - Map Code: ZM-14 B (South).	<p>The council agree to be the trustee of reserves for the purpose of buffer, for the following land parcels;</p> <ul style="list-style-type: none"> <li>• lot 3 MCH842013</li> <li>• lot 1 AP8130</li> <li>• lot 1 AP8129</li> <li>• lot 10 MCH5425</li> <li>• lot 8 SP104270</li> <li>• lot 1 AP8132</li> <li>• lot 9 MCH842018</li> <li>• lot 1 AP8133</li> </ul> <p><b>Reason:</b> Department of Natural Resources, Mines and Energy currently maintains the Unallocated State Land for fire buffer protection for the neighbouring residential community. With the planning scheme seeking to have more people living in this area via infill, there will be an increase in pressure on the area for management of the fire buffer. As the council has control of the rate and distribution of infill development in this area, it is considered that the buffer is most appropriately managed by the council to ensure the maintenance program aligns with community expectations. Please contact the Department of Natural Resources, Mines and Energy to discuss this matter further: Andrew McLaughlin, Senior Natural Resource Management Officer, Planning Services on 5352 4236.</p>	<p>This is not a planning scheme matter and is being considered separately by Council's Property and Environmental services Sections.</p>
Mining and extractive resources			
Ref. Number	Planning scheme reference	Advice	NSC response
17	Strategic Framework and all other relevant sections	<p>It is noted that at the State Agency briefing for the proposed planning scheme, the council requested guidance on whether a planning scheme could include a position on the matter of coal seam gas extraction within the Noosa Shire.</p> <p>The approval process for exploration and development of coal, mineral, petroleum and gas resources is governed and decided by the State in accordance with the State's resources legislation. These proposals are not assessed against the local government's planning scheme.</p> <p>A local government planning scheme cannot regulate resource activities carried out on resource tenure and is not intended to consider exploration activities. However, local governments should seek to understand and consider the mineral, coal, petroleum and gas resources within or affecting their local area including current and proposed development of those resource activities.</p>	<p>As of June 2018: "Noosa Council does not support any further applications for permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire based on Council's significant concerns regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle".</p> <p>Noosa Council acknowledges that coal, mineral petroleum and gas including coal seam gas resources are the property of the Queensland State Government and approval processes for the exploration and mining of these resources is governed by the State Government in accordance with its resources legislation</p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

		<p>Where applicable, local governments should seek to include measures that minimise conflicts between resource development or activities and land uses regulated under the planning scheme. This requires considering the likely impacts and interrelationships resource development may have on factors the planning scheme regulates (such as demand for housing, service industry development and out of sequence infrastructure requirements).</p> <p>A particular position about coal seam gas extraction, if included in the scheme, could lead to the perception that Coal Seam Gas (CSG) would be prohibited in the Noosa Shire, whereas the <i>Regional Planning Interest Act 2014</i> provides the head of power for State-determined regional interests to be considered when assessing CSG proposals.</p> <p>Note: CSG is unlikely to be located within the Noosa Local Government Area.</p>	<p>Minerals Resources Act 1989, Mineral Resources Regulation 2013 and Petroleum and Gas Act 2004.</p> <p>However under the State's Regional Planning Interests (RPI) Act 2014, areas of regional interest are identified. All of the Noosa Shire is within an area of Regional interest known as a Priority Living Area (PLA). A Priority Living Area is an area that includes existing settled areas for living and is primarily protected for these purposes. Importantly the RPI Act generally restricts the carrying out of resource activities in Priority Living Areas. This Act also requires that, should an application for a resource activity such as a mining lease application be made to the State, it must be referred to the Council as an 'Assessing Agency'.</p> <p>Council has considered its position with regard to further permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire and within the context of its role as an Assessing Agency under the RPI Act 2014 does not support further permits for coal or coal seam gas exploration or mining based on Council's significant concerns regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle, and its designation as a Priority Living Area.</p> <p>A statement reflecting this policy has been added to the Strategic Framework as such:  <b>"Applications for permits for coal exploration, coal mining, coal seam gas exploration or coal seam gas production within the Shire are not supported based on significant concerns from council and the community regarding associated environmental and social impacts and the incompatibility of such activities with Noosa's natural assets and lifestyle."</b></p>
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### Planning for the environment and heritage

Biodiversity			
Ref. Number	Planning scheme reference	Advice	NSC response
18	Biodiversity, Waterways and Wetlands Overlay	<p>Confirm the proposed Biodiversity, Waterways and Wetlands overlay map has integrated the mapping for MSES – legally secured offsets under the <i>Environmental Offsets Act 2014</i> and the MSES - regulated vegetation (in particular R and C on the regulated vegetation management map (RVMM)) in accordance with the SPP requirements.</p> <p><b>Reason:</b> It has been identified that there are areas of the SPP Mapping for MSES – Regulated vegetation (Category C and R areas) that are not reflected in the 'Area of Biodiversity Significance' layer found in the council's proposed Biodiversity, Waterways and Wetlands overlay map. Also, Category A areas under the <i>Vegetation Management Act 1999</i> are generally associated with Offsets under the <i>Environmental Offsets Act</i> and are therefore MSES, and need to be reflected (as mapped on the RVMM) within the overlay</p> <p>As detailed in the SPP, Category R areas and Category C areas can be locally refined by Local Government (subject to approval by the Planning Minister). Category R vegetation is significant for maintaining water quality within Great Barrier Reef catchments. Category R vegetation exists in the western part the Noosa Shire within the Mary River catchment. Section 5.1.1 of the Biodiversity Assessment Report provided by the council indicates that riparian vegetation was considered as a factor when scoring the biodiversity value of vegetation, however it is not known whether any additional weighting was applied to Category R riparian vegetation within Great Barrier Reef catchments (i.e. the Mary River catchment).</p> <p>Note: some of these mapping issues may be associated with the significant changes to the RVMM that occurred with the passing of the <i>Vegetation Management and Other Legislation Bill 2018</i></p>	MSES now integrated
19	Biodiversity, Waterways and Wetlands Overlay and zone maps	Ensure that any protected areas (eg under the <i>Nature Conservation Act 1992</i> ), and future/proposed areas are incorporated into the overlay, and zoned consistently with other protected areas.	The Biodiversity Overlay maps significant vegetation by RE and is 'tenure blind'. It does not map vegetation for its protected area status. The zoning map however, does zone all the protected area estate 'Environment Management and Conservation' to help support the protection of environmental values in these areas.

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Water quality			
Ref. Number	Planning scheme reference	Advice	NSC response
20	Acid Sulfate Soils Overlay Code	<p>The Qld Sampling Guidelines and Laboratory methods guidelines will shortly be replaced with the following documents;</p> <ul style="list-style-type: none"> <li><i>Sullivan et al, 2018, National acid sulfate soils guidance: National acid sulfate soils sampling and identification methods manual, Department of Agriculture and Water Resources, Canberra, ACT</i></li> <li><i>Sullivan et al, 2018, National acid sulfate soils guidance: National acid sulfate soils identification and laboratory methods manual, Department of Agriculture and Water Resources, Canberra, ACT; and the Australian Standard 4969</i></li> </ul> <p>These documents should be released later in July 2018. They will be available from the Water Quality Australia web site. It is recommended that the ASS Overlay code acknowledge the National Acid Sulfate Soils Guidance.</p>	References have been replaced

### Planning for infrastructure

Energy and water supply			
Ref. Number	Planning scheme reference	Advice	NSC response
21	--	<p>Noosa Shire Council should inform Seqwater of the planned demand growth in the area. This will allow Seqwater to integrate new growth forecasts with its infrastructure planning programs.</p> <p><b>Reason:</b> This is important given the water supply constraints that exist in northern SEQ for its standing Level of Service arrangements.</p>	<b>Noosa Council has no opposition to Seqwater accessing the demand modelling UnityWater has prepared for us.</b>

State transport infrastructure			
Ref. Number	Planning scheme reference	Advice	NSC response
22	9.4.8.2 Purpose and Overall Outcomes – Transport Code	<p>Include an additional purpose in the Transport Code similar to outcome (e) that supports freight. This would be similar or the same as the following, <i>'Development provides a road hierarchy that supports effective freight connectivity.'</i></p> <p><b>Reason:</b> The scheme contains limited references and outcomes related to freight/goods links that support growth in local communities.</p> <p>Ensuring communities can grow requires provision of suitable freight links as well as freight distribution sites within those communities. The ability to move freight as, when and where required is paramount to industries including tourism that usually operate under JIT (Just In Time) delivery models. There is also shift toward greater volumes of small-package freight due to on-line purchasing activities.</p> <p>It is also relevant to consider freight links that are 'Life Line' routes to these communities – that is, those that link the community in times of emergency (cyclone, fire). Aside from emergency services access, communities require freight access to replenish stock and provide emergency rations, etc.</p>	<p>The Multi-Combination Routes in Queensland Map really just shows the Bruce highway so not considered particularly useful.</p> <p>The following statements are in the Strategic Framework:</p> <p>Under Regional Context:  <b><i>The Bruce Highway and North Coast Railway serve as the main transport access to Brisbane and serve an important function for the movement of freight. An improved railway network would enhance access to Brisbane for Noosa-based commuters, residents and visitors.</i></b></p> <p>Under Strategic Outcomes for Transport and Movement:  <b><i>The role the highway and arterial roads serve in the movement of freight is protected with sensitive land uses avoided or buffered along these routes.</i></b></p> <p>The following overall outcome has been added to the Transport Code:  <b><i>Development does not adversely impact on the role of the major road network, particularly the Highway, in the efficient movement of freight through the Shire.</i></b></p>
23	Infrastructure and services Table 9.5.1.3 Criteria for assessable development (part) – A013.2	<p>Include an editor's note that advises scheme users to view the DSDMIP Development Assessment Mapping System to determine what is a limited-access road and what is a state-controlled road.</p> <p><b>Reason:</b> The scheme does not currently identify what is a limited-access road or state-controlled road. This note would increase the useability of the planning scheme.</p>	<b>We've added an Editor's note below these AO's to read:</b> <b><i>Reference should be made to the Queensland Government's Development Assessment Mapping System to confirm which are state-controlled roads or limited access roads.</i></b>
24	Part 9 – Table 9.4.1.3	<p>Refer to Cycling Aspects of Austroads Guides (AP-G88-14) instead of the AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10.</p> <p><b>Reason:</b> Table 9.4.1.3 refers to the Austroads Guide to Traffic Engineering Practice, Part 14 – Bicycles, Section 10, which has been superseded by the Cycling Aspects of Austroads Guides (AP-G88-14), Guide to Road Design</p>	<b>References have been replaced in the scheme and PSP.</b>

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		Part 4: Intersections and Crossings – General (AGRD04-09), Guide to Road Design Part 6A: Pedestrian and Cyclist Paths (AGRD06A-09), plus other various parts of Guide to Road Design and Guide to Traffic Management.	
25	Schedule 6 Planning scheme policies	<p>It is recommended that the planning scheme policies reflect that the Department of Transport and Main Roads performance and design standards apply where development is located on a state transport corridor.</p> <p><b>Reason:</b> To ensure that development in areas surrounding the state transport network does not adversely impact upon the safety and efficiency of the state transport network.</p>	Noted
26	Queensland Policy Services	<p>QPS recommends a detailed Traffic Management Plan to be developed to decrease the use of vehicles in the business centre by creating suitable bypasses and alternate transport routes. Consideration could be given to closing some shore-front streets to all motor vehicles, particularly at particularly times.</p> <p>Creating more capacity on the road network and more car parking spaces in key destinations can attract more people than the destinations can reasonably accommodate. Reduce the interaction between pedestrians and motor vehicles (Road Safety).</p>	Noted – will not be resolved through the scheme

RTI RELEASE - DSDMIP



**From:** [Caroline Plank](#)  
**To:** [JOHNSTON Mathew \(Mathew.Johnston@daf.qld.gov.au\)](mailto:Mathew.Johnston@daf.qld.gov.au); [LEO Daniel](#); [ROLLSTON Peter](#); [lara.puttock@hpw.qld.gov.au](mailto:lara.puttock@hpw.qld.gov.au); [Thomas V Rowland](#)  
**Subject:** FW: HPE CM: State agency review - Noosa planning scheme - revised documents  
**Date:** Monday, 8 October 2018 3:32:00 PM  
**Attachments:** [Noosa Council Final Response to State Interest Review Comments.docx](#)  
[image001.png](#)  
[image002.png](#)  
[image006.png](#)  
[image007.png](#)

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Hi Mathew, Daniel, Peter, Lara and Tom

I realise by now you should have received an alert via an email to your agency's registered email address, but just in case, I'm sending this extra email to you, to alert you to the revised Noosa planning scheme documents, that have been uploaded to the plan making portal.

As you have already completed comments on this instrument in the past, the plan making portal will likely have the scheme in the list of completed responses, so you may need to scroll down to find it – it's TP-00099.

If you have any issues please let me know.

Regards

Caroline Plank  
Principal Planning Officer  
**Planning and Development Services (SEQ North)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

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P 07 5352 9709  
12 First Avenue, Maroochydore  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

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**From:** Caroline Plank  
**Sent:** Friday, 5 October 2018 1:11 PM  
**To:** 'judith.quirk@communities.qld.gov.au' <judith.quirk@communities.qld.gov.au>; 'isb.correspondence@det.qld.gov.au' <isb.correspondence@det.qld.gov.au>; 'CAS\_Correspondence@health.qld.gov.au' <CAS\_Correspondence@health.qld.gov.au>; 'environmentalhazards@health.qld.gov.au' <environmentalhazards@health.qld.gov.au>; 'bcqstateinterest@hpw.qld.gov.au' <bcqstateinterest@hpw.qld.gov.au>; 'QGAO.oed@hpw.qld.gov.au' <QGAO.oed@hpw.qld.gov.au>; 'SPP@dilgp.qld.gov.au' <SPP@dilgp.qld.gov.au>; Infrastructure Policy <InfrastructurePolicy@dsdmip.qld.gov.au>; Natural Hazards <NaturalHazards@dilgp.qld.gov.au>; EDQ <EDQ@dsdmip.qld.gov.au>; 'planning@npsr.qld.gov.au' <planning@npsr.qld.gov.au>; 'parksandforestseisassessments@npsr.qld.gov.au' <parksandforestseisassessments@npsr.qld.gov.au>; 'Planning&Performance@police.qld.gov.au' <Planning&Performance@police.qld.gov.au>; 'ministerial.designations@psba.qld.gov.au' <ministerial.designations@psba.qld.gov.au>; 'sdainfo@coordinatorgeneral.qld.gov.au' <sdainfo@coordinatorgeneral.qld.gov.au>; 'depea@dsiti.qld.gov.au' <depea@dsiti.qld.gov.au>;

'planningschemes@tmr.qld.gov.au' <planningschemes@tmr.qld.gov.au>;  
'PlanningPolicy@tmr.qld.gov.au' <PlanningPolicy@tmr.qld.gov.au>;  
'DAFFPlanning@daff.qld.gov.au' <DAFFPlanning@daff.qld.gov.au>;  
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'wettropics@wtma.qld.gov.au' <wettropics@wtma.qld.gov.au>;  
'dsrgidep.executivesupport@defence.gov.au' <dsrgidep.executivesupport@defence.gov.au>;  
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'policycoordination@dsd.qld.gov.au' <policycoordination@dsd.qld.gov.au>;  
'DTEsb.Planning@dtesb.qld.gov.au' <DTEsb.Planning@dtesb.qld.gov.au>;  
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'SEQRegionalPlan@dilgp.qld.gov.au' <SEQRegionalPlan@dilgp.qld.gov.au>;  
'chris.teitzel@unitywater.com' <chris.teitzel@unitywater.com>; 'FOGARTY Chris (Energex)'  
<chrisfogarty@energex.com.au>; 'YOUNG Gary' <Gary.Young@des.qld.gov.au>;  
'Correspondence, ISB' <ISB.Correspondence@qed.qld.gov.au>; 'NAIKER UtkatuBob'  
<UtkatuBob.NAIKER@hpw.qld.gov.au>; 'HILL Jeremy' <Jeremy.HILL@hpw.qld.gov.au>;  
'ROBERTSON, Brett' <Brett.ROBERTSON@qed.qld.gov.au>; 'Planning Support'  
<Planning.Support@des.qld.gov.au>; 'Glanvill, Rob CAPT - RAN' <rob.glanvill@defence.gov.au>;  
'Grant Hastie' <Grant.Hastie@oir.qld.gov.au>; 'BAXTER, Dave' <Dave.BAXTER@qed.qld.gov.au>;  
'DUNCAN, Bruce' <Bruce.DUNCAN@qed.qld.gov.au>; 'DAF Planning'  
<DAFPlanning@daf.qld.gov.au>; 'LEO Daniel' <Daniel.Leo@dnrme.qld.gov.au>; Candace Mitchell  
<Candace.Mitchell@dsdmip.qld.gov.au>; 'Thomas V Rowland'  
<Thomas.V.Rowland@tmr.qld.gov.au>; 'Darryl R Kong' <Darryl.R.Kong@tmr.qld.gov.au>; 'Lena M  
Hobson' <Lena.M.Hobson@tmr.qld.gov.au>; 'PEARSON Scott (EnergyQ)'  
<scott.pearson@energyq.com.au>; Sarah Doring <Sarah.Doring@dsdmip.qld.gov.au>;  
'glen.glanvill@defence.gov.au' <glen.glanvill@defence.gov.au>;  
'andrew.rutch@datsip.qld.gov.au' <andrew.rutch@datsip.qld.gov.au>; 'HHS HPO Town Planning'  
<HSHSPOTownPlanning@hpw.qld.gov.au>; 'John Schiavo' <John.Schiavo@datsip.qld.gov.au>;  
'FOGARTY Chris (EnergyQ)' <chris.fogarty@energyq.com.au>

**Subject:** HPE CM: State agency review - Noosa planning scheme - revised documents

Hello State Agencies

You have previously been requested to participate in a state interest review (SIR) on the new Noosa Plan.

The council has revised the planning scheme, with changes in response to the SIR. This has been uploaded to the plan making portal. The new version is dated 28 September 2018 (please ignore the versions uploaded which are dated 21/9/18 as these don't show the changes adequately). Also uploaded is a table summarising the changes in response to the SIR - dated 21 September 2018.

I have uploaded (and also attached to this email) a word version of the council's response to the SIR - you can use this to add your comments - in the last column, add your comments underneath Noosa Council's response - use a different colour or a clear heading so I can easily recognise your comments from Noosa Council's.

Please provide your comments by 5pm Friday 12 October 2018. Please contact me if you are unable to meet this timeframe.

You can use the plan making portal to upload your document with comments, or you can email it to me.

Regards

Caroline Plank  
Principal Planning Officer  
**Planning and Development Services (SEQ North)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

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P 07 5352 9709  
12 First Avenue, Maroochydore  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

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**From:** Caroline Plank

**Sent:** Friday, 8 June 2018 5:27 PM

**To:** [judith.quirk@communities.qld.gov.au](mailto:judith.quirk@communities.qld.gov.au); [isb.correspondence@det.qld.gov.au](mailto:isb.correspondence@det.qld.gov.au);  
[CAS\\_Correspondence@health.qld.gov.au](mailto:CAS_Correspondence@health.qld.gov.au); [environmentalhazards@health.qld.gov.au](mailto:environmentalhazards@health.qld.gov.au);  
[bcqstateinterest@hpw.qld.gov.au](mailto:bcqstateinterest@hpw.qld.gov.au); [QGAC.ced@hpw.qld.gov.au](mailto:QGAC.ced@hpw.qld.gov.au); [SPP@dilgp.qld.gov.au](mailto:SPP@dilgp.qld.gov.au);  
Infrastructure Policy <[InfrastructurePolicy@dsdmip.qld.gov.au](mailto:InfrastructurePolicy@dsdmip.qld.gov.au)>; Natural Hazards  
<[NaturalHazards@dilgp.qld.gov.au](mailto:NaturalHazards@dilgp.qld.gov.au)>; EDQ <[EDQ@dsdmip.qld.gov.au](mailto:EDQ@dsdmip.qld.gov.au)>;  
[planning@npsr.qld.gov.au](mailto:planning@npsr.qld.gov.au); [parksandforestseisassessments@npsr.qld.gov.au](mailto:parksandforestseisassessments@npsr.qld.gov.au);  
[Planning&Performance@police.qld.gov.au](mailto:Planning&Performance@police.qld.gov.au); [ministerial.designations@psba.qld.gov.au](mailto:ministerial.designations@psba.qld.gov.au);  
[sdainfo@coordinatorgeneral.qld.gov.au](mailto:sdainfo@coordinatorgeneral.qld.gov.au); [depea@dsiti.qld.gov.au](mailto:depea@dsiti.qld.gov.au);  
[planningschemes@tmr.qld.gov.au](mailto:planningschemes@tmr.qld.gov.au); [PlanningPolicy@tmr.qld.gov.au](mailto:PlanningPolicy@tmr.qld.gov.au);  
[DAFFPlanning@daff.qld.gov.au](mailto:DAFFPlanning@daff.qld.gov.au); [cultural.heritage@datsip.qld.gov.au](mailto:cultural.heritage@datsip.qld.gov.au);  
[DEWSEPlan@dews.qld.gov.au](mailto:DEWSEPlan@dews.qld.gov.au); [planning.support@ehp.qld.gov.au](mailto:planning.support@ehp.qld.gov.au);  
[DPCPlanning@premiers.qld.gov.au](mailto:DPCPlanning@premiers.qld.gov.au); [hicb@oir.qld.gov.au](mailto:hicb@oir.qld.gov.au); [TownPlanning@energex.com.au](mailto:TownPlanning@energex.com.au);  
[townplanning@powerlink.com.au](mailto:townplanning@powerlink.com.au); [wettropics@wtma.qld.gov.au](mailto:wettropics@wtma.qld.gov.au);  
[dsrgidep.executivesupport@defence.gov.au](mailto:dsrgidep.executivesupport@defence.gov.au); [PlanningServicesSouth@dnrm.qld.gov.au](mailto:PlanningServicesSouth@dnrm.qld.gov.au);  
[policycoordination@dsd.qld.gov.au](mailto:policycoordination@dsd.qld.gov.au); [DTESB.Planning@dtesb.qld.gov.au](mailto:DTESB.Planning@dtesb.qld.gov.au);  
[HSCATownPlanning@hpw.qld.gov.au](mailto:HSCATownPlanning@hpw.qld.gov.au); [SEQRegionalPlan@dilgp.qld.gov.au](mailto:SEQRegionalPlan@dilgp.qld.gov.au);  
[chris.teitzel@unitywater.com](mailto:chris.teitzel@unitywater.com); FOGARTY Chris (Energex) <[chrisfogarty@energex.com.au](mailto:chrisfogarty@energex.com.au)>;  
YOUNG Gary <[Gary.Young@des.qld.gov.au](mailto:Gary.Young@des.qld.gov.au)>; Correspondence, ISB  
<[ISB\\_Correspondence@qed.qld.gov.au](mailto:ISB_Correspondence@qed.qld.gov.au)>; NAIKER UtkatuBob  
<[UtkatuBob.NAIKER@hpw.qld.gov.au](mailto:UtkatuBob.NAIKER@hpw.qld.gov.au)>; HILL Jeremy <[Jeremy.HILL@hpw.qld.gov.au](mailto:Jeremy.HILL@hpw.qld.gov.au)>;  
ROBERTSON, Brett <[Brett.ROBERTSON@qed.qld.gov.au](mailto:Brett.ROBERTSON@qed.qld.gov.au)>; Planning Support  
<[Planning.Support@des.qld.gov.au](mailto:Planning.Support@des.qld.gov.au)>; Glanvill, Rob CAPT - RAN <[rob.glanvill@defence.gov.au](mailto:rob.glanvill@defence.gov.au)>;  
Grant Hastie <[Grant.Hastie@oir.qld.gov.au](mailto:Grant.Hastie@oir.qld.gov.au)>; BAXTER, Dave <[Dave.BAXTER@qed.qld.gov.au](mailto:Dave.BAXTER@qed.qld.gov.au)>;  
DUNCAN, Bruce <[Bruce.DUNCAN@qed.qld.gov.au](mailto:Bruce.DUNCAN@qed.qld.gov.au)>; DAF Planning  
<[DAFPlanning@daf.qld.gov.au](mailto:DAFPlanning@daf.qld.gov.au)>; LEO Daniel <[Daniel.Leo@dnrme.qld.gov.au](mailto:Daniel.Leo@dnrme.qld.gov.au)>; Candace Mitchell  
<[Candace.Mitchell@dsdmip.qld.gov.au](mailto:Candace.Mitchell@dsdmip.qld.gov.au)>; Thomas V Rowland

<[Thomas.V.Rowland@tmr.qld.gov.au](mailto:Thomas.V.Rowland@tmr.qld.gov.au)>; Darryl R Kong <[Darryl.R.Kong@tmr.qld.gov.au](mailto:Darryl.R.Kong@tmr.qld.gov.au)>; Lena M Hobson <[Lena.M.Hobson@tmr.qld.gov.au](mailto:Lena.M.Hobson@tmr.qld.gov.au)>; PEARSON Scott (EnergyQ) <[scott.pearson@energyq.com.au](mailto:scott.pearson@energyq.com.au)>; Sarah Doring <[Sarah.Doring@dsdmip.qld.gov.au](mailto:Sarah.Doring@dsdmip.qld.gov.au)>; [glen.glanvill@defence.gov.au](mailto:glen.glanvill@defence.gov.au); [andrew.rutch@datsip.qld.gov.au](mailto:andrew.rutch@datsip.qld.gov.au); HHS HPO Town Planning <[HHSHPOTownPlanning@hpw.qld.gov.au](mailto:HHSHPOTownPlanning@hpw.qld.gov.au)>; John Schiavo <[John.Schiavo@datsip.qld.gov.au](mailto:John.Schiavo@datsip.qld.gov.au)>; FOGARTY Chris (EnergyQ) <[chris.fogarty@energyq.com.au](mailto:chris.fogarty@energyq.com.au)>

**Subject:** State agency review template - Noosa planning scheme

Hello All

Please find attached a template for you to use for your state interest review. You can upload this completed template to the ePlan Portal (ezischeme) or email it to me. I would actually prefer you email it to me at this stage, due to inadequacies in the ezischeme at our end.

Also, if you would like the GIS shapefiles for the planning scheme, bring a USB on Monday and I will transfer the files on to it for you.

If you still want the files and are not coming on Monday, please let me know and I will arrange to get them to you.

As we did not receive the files until Wednesday, we will be starting our review timeframe from this date – this will be updating in ezischeme.

I will recalculate the review timeframe for state agencies and let you know on Monday.

Regards

Caroline Plank  
Principal Planning Officer  
**Planning and Development Services (SEQ North)**  
Department of State Development,  
Manufacturing, Infrastructure and Planning  

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P 07 5352 9709  
12 First Avenue, Maroochydore  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

# Noosa Council Responses to State Interest Review comments 21 September 2018

## Part A—State interests

### Planning for liveable communities and housing

Housing supply and diversity			
Ref. Number	Policy Element	Original Requirement and additional comments from State following NSC response	NSC response
1	Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.	<p><b>Planning scheme Reference:</b> Strategic framework</p> <p><b>Integration of state interest:</b> Partially integrated – planning scheme could be strengthened in the Part 3 Strategic framework. State interest <i>Housing Supply and Diversity</i> Policy 3 (1) (2) and (3) and <i>Development and Construction</i> (8).</p> <p><b>Action:</b> <u>The strategic framework can be amended to give stronger support to promoting affordable and social housing</u>, in accordance with the SPP. Some examples can be found in the wording of other planning schemes such as Moreton Bay Regional Council e.g.</p> <p>Moreton Bay Regional Council Planning Scheme 2016</p> <p>3.5 Strong communities (Page 60)</p> <p><i>Council also endeavours to support the initiatives of Federal and State Governments and the community and private sectors to more directly address the issues of housing affordability. Specifically, Council intends to encourage community and “not for profit” housing providers who deliver appropriate housing products in an acceptable manner to meet special needs and community housing purposes .....</i></p> <p>3.5.7 Strategic Outcomes- Housing Choice and Affordability <i>A variety of housing options is provided to meet diverse community needs, and achieve housing choice and affordability.</i></p> <p>4. <i>Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</i></p> <p>5. <i>All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</i></p> <p>6. <i>Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and.....</i></p> <p><b>Reason:</b> To give stronger support in the planning scheme to promote social and affordable housing outcomes.</p> <p><b>ADDITIONAL COMMENTS:</b> 1) Council’s representations in relation to their support for smaller units to encourage affordable housing is supported by DHPW. 2) Council’s concerns regarding confidence that affordable housing will be delivered if it amends its strategic framework are noted and the following comments are offered. Noosa SC being within the SEQ region is a priority Council (along with the Sunshine Coast Regional Council) for the Housing Construction Jobs Plan. The State Planning Policy- Housing Supply and Diversity (Policy 3 (c) aims to ensure that planning schemes are able to facilitate affordable and social housing outcomes through supportive planning provisions and suitably zoned land with the intent that this housing is able to be delivered when suitable sites and funding are available. In order to ensure this, inclusion in the strategic framework is sought to give high-level support for these housing outcomes by Council. It is noted that informal email between Council and DHPW planners indicates that an outcome could be provided.</p> <p><b>Suggested wording:</b></p> <p><u>In order to meet Policy 3(c) of the SPP (above), DHPW considers that the Strategic Framework should at the very least include a specific statement that references support for social and affordable housing:</u></p>	<p>Strategic Framework already acknowledges one of the key challenges is “<i>diversity in housing choice to provide suitable residential accommodation for low income earners and key workers</i>”. Section 3.2.4 is focussed on housing to meet diverse needs of the community.</p> <p>Section 3.3.3 are Strategic Outcomes specifically for Housing Choice such as:</p> <p>e) <i>A wide range of housing is spread throughout the existing urban areas of Noosa Shire and responds to housing needs associated with factors such as changing demographics, changing composition of households, and lifestyle Choices.</i></p> <p>f) <i>Additional smaller dwellings on traditional house sites and small dwelling units in centres are provided so that the housing mix and Choice better reflects community needs.</i></p> <p><b>We’ve added another line to 3.2.4 as follows:</b> <b>“The initiatives of Federal and State Government and community based not-for-profit entities in delivering more affordable housing for residents in need are likely to be an important component of new housing.”</b></p> <p><b>We’ve added two additional lines to 3.3.3 as follows:</b> <b>“Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options.”</b></p> <p><b>“Major residential developments will be encouraged to incorporate a range of housing types including more affordable housing products for the entry buyer and low-income housing markets.”</b></p>

Noosa Council Responses to State Interest Review comments 21 September 2018

		<p><u>“Council will support the Federal and State Government and community based not-for-profit entities in delivering a diverse and comprehensive range of social and affordable housing options.”</u>  <u>If a supportive statement is not included, DHPW would not consider the planning scheme to fully integrate Policy 3 the state interest.</u>                  3) Council’s comments in relation to MBRC are noted. It is emphasised that MBRC was only suggested as an approach undertaken by a local government; it was not intended to compare the two LGAs.</p>	
2	<p>Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.</p>	<p><b>Planning Scheme Reference:</b>                  Section 6.3 Residential zones category</p> <p><b>Integration of state interest:</b> State interest Policy 3 - <i>A diverse affordable and comprehensive range of housing options in accessible and well service locations, is facilitated through (a) appropriate, responsive and proactive zoning and (b) supporting an appropriate mix of lot sizes and dwelling types, including housing for seniors and people requiring assisted living.</i> This has been partially met.</p> <p><b>Action:</b> Review the specific code provisions of the residential zones which aim to restrict development on residential zoned land with a view to ensuring that wider amenity and environmental requirements can still be met – see comments below.</p> <p>6.3.1 Low density residential zone code                  Table 6.3.1.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 – Site Cover and Gross Floor Area, acceptable outcome AO8.1</li> </ul> <p>It is recommended the low site cover proposals of AO8.1 be reviewed to allow low density development of residential sites to achieve streetscaping and landscaping objectives without being unduly restrictive and promoting inefficient use land.</p> <p>S 6.3.2 Medium density residential zone code                  Built form Table 6.3.2.3 – criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO8 Site Cover and Gross Floor Area</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of medium density forms of development which meets streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>PO9 Plot Ratio</li> </ul> <p>The establishment of 0.4: or 0.5 :1 plot ratio in the medium density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range medium density forms of development (as appropriate in Noosa) which still meet streetscaping and landscaping objectives without being unduly restrictive. The plot ratio specified could be moved to the Acceptable Outcomes.</p> <ul style="list-style-type: none"> <li>P10 Building setback</li> </ul> <p>Acceptable outcomes – it is recommended that acceptable outcomes be reviewed to allow a degree of flexibility in terms of setbacks under reasonable requirements (e.g. to accord with streetscaping, where other landscaping/amenity, overlooking and overshadowing requirements are met).</p> <p>6.3.3 High density                  Built form - Table 6.3.3.3 Criteria for assessment (part)</p> <ul style="list-style-type: none"> <li>PO5 Site cover</li> </ul> <p>The establishment of 40% or 45% site cover of the site area in the high density zone as a performance outcome is discouraged. It is recommended that this be reconsidered to allow a range of high density forms of development which still meet streetscaping and landscaping objectives without being unduly restrictive. The site cover percentages specified could be moved to the Acceptable Outcomes.</p> <p><b>Reason:</b> Restrictions on development of residential sites through low plot ratios and site coverage, impacts on densities and results in inefficient use of land, consequently affecting housing supply and diversity.</p> <p><b>ADDITIONAL COMMENTS:-</b>                  DHPW makes recommendations generally on items in the planning scheme which it feels could be amended to contribute towards introducing more flexibility in a planning scheme, thus contributing to housing diversity and eventually supply of more affordable housing.</p> <p>In this case, the issues that NSC raise and the potential implications have been noted, particularly in the Low density residential (LDR) zone. Council’s approaches to encourage affordable housing in other areas of the scheme and the code alterations for the medium (MDR) and high density residential (HDR) zone as outlined are acknowledged.</p>	<p>We dispute this and believe the scheme has taken positive action towards increasing the amount of land available for multiple dwellings, including high density residential, discriminating towards small dwelling units rather than large ones. Various sites have been zones specifically for aged care (including two previously unconsidered sites).</p> <p>This is particularly hard for Council to accept. Noosa Council has always had maximum site covers, GFA and plot ratios and since the 1980s at least they have been mandatory. The space between buildings is one of the things that sets us apart from other places and are values that were incorporated in the statutory iconic values under the iconic legislation.</p> <p>Further, we have already had preliminary consultation with the community in the form of a Discussion Paper on the draft scheme and the very clear message back through submissions is that this community likes the current built form &amp; landscaping provisions and do not want them changed.</p> <p>Given the minimum lot size is 600m<sup>2</sup> having a bigger site cover just means a bigger (and less affordable) house. A greater site cover or GFA will do nothing to assist affordability.</p> <p>This is actually an improvement (more flexibility) than the current scheme which just specifies 40%. We are trying to incentivise a higher number of smaller units not just allow the building envelope on the site be maximised because that will just result in a smaller number of large luxurious units.</p> <p>Setbacks are considered important as they allow for space between buildings for landscaping, access to sunshine, protection of privacy, outdoor living etc. We have typically allowed relaxations to support good design outcomes and to allow for eaves, sunhoods, etc. Setbacks required are not unreasonable and the community is very used to them as they have been relatively consistent for some thirty years or more.</p> <p>As discussed above this is actually an improvement on the current scheme and allows an incentive for a larger number of smaller dwellings.</p>

## Noosa Council Responses to State Interest Review comments 21 September 2018

		DHPW accepts Council's response on the code provisions and has no further requirements on this matter.	
Liveable communities			
Ref. Number	Policy Element	Requirement	NSC response
3	Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment 5.5 Categories of development and assessment – Material change of use.</p> <p><b>Integration of state interest:</b> Community facilities and services, including education facilities (state and non-state providers), health facilities, emergency services, arts and cultural infrastructure, and sport, recreation and cultural facilities are well-located, cost-effective and multi-functional.</p> <p><b>Action:</b> Amend levels of assessment for emergency services (use) in all zones, to ensure the levels of assessment are not onerous – consider accepted development with requirements, and code assessment where appropriate benchmarks can be applied.</p> <p><b>Reason:</b> The SPP states that the provision of sustainable, equitable and efficient access to a wide range of services and facilities underpins community wellbeing and liveability – which has major effects on safety, employment, health and access.</p> <p>The onerous planning scheme provisions for emergency services could deter emergency services from locating in particular locations. Restricting the location of emergency services (use) can increase emergency response times.</p> <p>In addition, Rural Fire Brigades are volunteer lead organisations with very limited resources. The infrastructure is very low impact and provides an essential service to the surrounding community.</p> <p>Ensuring that emergency services is accepted development throughout the local government area, allows for timely, cost effective emergency services infrastructure provision and enhances liveability and quality of life in the community.</p>	<p><b>Rural fire brigades are now acceptable subject to requirements in the Rural or Rural Residential Zone.</b></p> <p><b>Where they are annotated on the Community Facilities Zone (because they already exist) Emergency Services are now accepted subject to requirements.</b></p> <p><b>We have made Emergency Services consistent (code) in all the centres zones and industrial zones (but not in every precinct).</b></p> <p>They are consistent (impact) in the two green zones. <b>However Council is not prepared to make them code assessable within residential zones because of the 24 hour nature of the use.</b></p> <p>Unlike to need any additional/new fire, ambulance or police stations in the future as not a lot of growth. For evacuation centres they are likely to rely on existing buildings (such as schools) so not a high chance of needing new ones. Considering this the risks are relatively low.</p>

### Planning for economic growth

Agriculture			
Ref. Number	Policy Element	Requirement	NSC response
4	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 3 Strategic Framework; Section 3.2 Strategic Intent; Section 3.2.2 A well managed and sustainable Noosa Shire; paragraph 12</p> <p>"Noxious forms of industry, intensive factory farming and developments that disrespect the ecosystem service functions of the landscape, waterways and wetlands are not permissible".</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Provide justification about why intensive agricultural land uses can't be appropriately located in the Noosa Shire in the rural zone.</p> <p><b>Reason:</b> This statement indicates that intensive agricultural land uses are not allowed anywhere in the local government area.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p>	<p>A very large proportion of Noosa Shire hinterland consists of small lifestyle blocks, many of which have been revegetated and are being conserved. Residents are typically passionate about the environment and the amenity of their surroundings. Agricultural producers tend to have a high regard for the environment and appreciate the "clean/green" credentials of the Noosa brand.</p> <p>We are not opposed to intensive agricultural uses as such, indeed some forms are applauded and are gaining momentum as hoped through the local economic strategy and work of Country Noosa.</p> <p><b>The original sentence has been removed and replaced with:</b></p> <p><b>"Any form of development that has the potential to adversely impact on surrounding natural resources and environmental values will not be supported unless it can be located and designed to avoid environmental harm or nuisance."</b></p>

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		<p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses when in appropriate locations.</p> <p><b>FURTHER COMMENT:</b> DAF would not object to the retention of a similar statement as long as it is re-worded. The term “intensive factory farming” should be removed, as it is an unnecessary singling out of a particular industry and is highly emotive.</p> <p>The phrase “disrespect ecosystem service functions” should also be removed for clarity – what does this phrase mean?</p> <p>DAF agrees that all development (including intensive agricultural activities) ensures that the environment is not significantly impacted and the statement should simply be: “Developments that have the potential to impact surrounding environments will only be supported where they are appropriately located and designed to avoid environmental harm and nuisance.”</p>	
5	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 3 – Strategic Framework, Part 3.2.6 – A diverse and resilient economy, Agriculture and rural-based activities, Paragraph 1</p> <p>“Livestock enterprises are generally limited to pasture fed, free range operations or aquaculture. <u>Industrial farming or high impact agricultural uses can reduce rural amenity through increased noise, traffic, lighting and signage. They have a high propensity to pollute the air, groundwater and surface water. For these reason, they are not supported</u>”.</p> <p><b>Integration of state interest:</b> <i>Agricultural state interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove references to “industrial farming” and replace with “intensive rural activities”</li> <li>2. Address the action in item 4 above, and then, if appropriate, delete “They have a high propensity...and surface water. For these reasons they are not supported.” or amend to focus on locating intensive agricultural land uses in appropriate locations in the rural zone.</li> </ol> <p><b>Reason:</b></p> <ol style="list-style-type: none"> <li>1. “Industrial farming” is not a recognised land use in Queensland planning legislation or associated materials</li> <li>2. The statement indicates that intensive agricultural land uses are not expected or consistent with the intent of the rural zone, and they all cause environmental harm or nuisance. The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</li> </ol> <p><b>FURTHER COMMENT:</b> DAF agrees that intensive agricultural land uses have the potential to cause environmental harm and nuisance, and need to be suitably located and designed to avoid environmental harm and nuisance.. DAF does not support the exclusion of these uses from the rural zone.</p> <p>DAFs position is that the term amenity is so subjective it is almost unworkable, particularly in the rural zone. What disturbs one person’s amenity may not worry another. For example, a rooster crowing or cows bellowing may disturb one person, yet it may take a tractor noise to disturb another. In both cases, these noises are intrinsic to a functioning rural zone. How will Council determine the impact of a development on the rural amenity?</p> <p>DAF suggests Council focuses on the suitable location and design of intensive agricultural land uses in appropriate locations of the rural zone.</p>	<p>Council ultimately wants the message to be the same. Uses that impact on either the rural amenity or the environment are not supported</p> <p><b>“Intensive or high impact rural uses can lead to environmental harm or nuisance through increased noise, traffic, lighting, use of chemicals or generation of dust or odour. Rural uses that pollute the air, groundwater and surface water are not likely to be supported.”</b></p>



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<p>6</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 5 Tables of Assessment; Section 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Animal Husbandry Use</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend the levels of assessment so that grazing of livestock and non-feedlot dairying (where keeping more than 1 head of cattle, sheep, goats etc.) in the rural zone is accepted development or code assessment, where appropriate.</p> <p>Amend references to pig keeping and poultry farming from 'Animal husbandry'.</p> <p><b>Reason:</b> The rural zone is the appropriate place for all agriculture/rural uses. Grazing of livestock and non-feedlot dairying are uses that are expected and consistent with the intent of the rural zone.</p> <p>Pig keeping and poultry farming is an intensive animal industry not animal husbandry as defined in the use definitions in schedule 1.</p> <p><b>FURTHER ADVICE:</b> <u>Intensive animal industry</u></p> <p>DSDMIP advises: The definition of 'intensive animal industry' is multi-layered – there's more than one criteria to meet – the use is for the intensive production of <u>animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand</u>; or...</p> <p>The use needs to meet all of these for it to meet the definition. It will be up to council to ensure that animal husbandry really is animal husbandry and not intensive animal industry.</p> <p><u>Animal husbandry</u></p> <p>DAF's position is that animal husbandry should be accepted development in the rural zone. DAF accepts that <b>Council would like to have some control over numbers to minimise impacts and at these thresholds determined by Council (whatever they might be), the use would become code assessable. DAF would accept this if the numbers of animals allowed as accepted development were increased.</b> For example, DAF doesn't think it is reasonable for someone who wants a couple of head of cattle in the rural zone to have the use deemed assessable.</p> <p><b>DSDMIP advises that other councils in the region make animal husbandry accepted development (with or without requirements) and therefore Noosa Shire Council could look to these for guidance.</b> MBRC use a local law to control certain animal keeping which is referred to in the tables of assessment for animal husbandry to be accepted development (without requirements) and otherwise, to be accepted development with requirements (rural zone code). SCRC makes animal husbandry accepted development with requirements (rural uses code).</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above</b></p>	<p>This is an interpretation problem – Council are of the view that if chickens or pigs are outside, free to range/forage they are not intensive animal industry. <b>We have received legal interpretation on this matter, the upshot of which is that if animals or birds are free to range or graze in a field and are not in an enclosure requiring food and water to be provided mechanically or by hand, the use can only be animal husbandry. This legal advice has been provided to DSMIP and DAF.</b></p> <p><i>animal husbandry means the use of premises for—</i> (a) producing animals or animal products on native or improved pastures or vegetation; or (b) a yard, stable, temporary holding facility or machinery repairs and servicing, if the use is ancillary to the use in paragraph (a). Examples of animal husbandry— cattle stud, <b>grazing of livestock</b>, non-feedlot dairy</p> <p><i>intensive animal industry—</i> (a) means the use of premises for— (i) the intensive production of animals or animal products, <b>in an enclosure, that requires food and water to be provided mechanically or by hand</b>; or (ii) storing and packing feed and produce, if the use is ancillary to the use in subparagraph (i); but (b) does not include the cultivation of aquatic animals. Examples of intensive animal industry— feedlot, piggery, poultry and egg production</p> <p><b>Notwithstanding the above we are proposing to change the Table of assessment for the Rural Zone and the Rural Activities Code</b></p> <p><b>For Animal Husbandry there's still a table of animals that are just acceptable development (no planning scheme requirements)</b></p> <p><b>Then everything else is Accepted Subject to Requirements (self-assessable) with applicable AOs listed from the Rural Zone Code and the Rural Activities Code</b></p> <p><b>For Intensive Animal Industry we're listing a few thresholds that would be code assessable—if:</b></p> <ul style="list-style-type: none"> <li>a) located on a site at least 20 hectares in area; and</li> <li>b) poultry farming (meat or egg production) not exceeding 999 birds; or</li> <li>c) emu or ostrich farming not exceeding 20 birds; or</li> <li>d) not exceeding 21 standard units of pig; or</li> <li>e) not exceeding 50 standard units of cattle</li> </ul> <p><b>Outside of these circumstances Intensive Animal Industry will be impact assessable <u>but only consistent where it meets the following criteria:</u></b></p> <ul style="list-style-type: none"> <li>a) located at least 100 metres from a sensitive land use;</li> <li>b) located outside the Water Supply Buffer or Water Resource Catchment;</li> <li>c) located outside the Flooding and Inundation area;</li> <li>d) located outside the Riparian Buffer Area.</li> </ul> <p><b>Within the Rural Activities code we have amended and rearranged provisions to address Animal Husbandry and Intensive Animal Industry in a closer manner and combined the same performance outcomes for both in instances.</b></p> <p><b>PO10</b> <i>Animal husbandry and Intensive animal industry is at a scale, intensity and stocking density that does not over-graze the property, lead to erosion or degradation, compromise the welfare of animals or cause environmental nuisance experienced on adjoining premises.</i></p> <p><b>AO10.1</b> <i>Livestock are free to graze or forage in pastures and rely on supplementary food for no more than 30% of their diet.</i></p> <p><b>AO10.2</b> <i>The lot used for Animal husbandry has a minimum area of 4 hectares.</i></p> <p><b>AO10.3</b> <i>The lot used for Intensive animal industry has a minimum area of 20 hectares.</i></p> <p><b>Pigs</b></p>
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7	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> 5.5 Categories of development and assessment—Material change of use; Table 5.5.14 Rural; Rural Activities; Intensive Animal Industry Use</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate, amend the level of assessment so that intensive animal industries that are environmentally relevant activities (ERAs) are assessable development – impact assessable and those below the ERA threshold are assessable development – code assessable.</p> <p><b>Reason:</b> The levels of assessment prescribed indicate that pig keeping with more than 20 standard pig units of pigs, poultry farming more than 999 birds and intensive animal feedlotting in the rural zone are not consistent with the intent of the rural zone and are not supported.</p> <p>The SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p><b>FURTHER ADVICE:</b> DAF does not support the exclusion of intensive animal industries or restricting the scale of the intensive animal industry within the rural zone. The rural zone is the appropriate place for all agriculture/rural uses and its development including intensive agricultural uses in appropriate locations.</p> <p>However, the suitable location and design of intensive animal industries to avoid environmental harm is supported.</p>	<p>We believe the strategy detailed above should satisfy the State on this comment as well.</p> <p>We appreciate the State has a policy of protecting agriculture and food production but the economic point of difference to food production in Noosa Shire is the “clean/ green” credentials of growing food in this place and intensive animal industries go against that reputation and therefore risk the pasture fed / organic / boutique food businesses that are emerging.</p> <p>Discussions with DAF suggests they would be happy with a threshold approach. We have looked at other schemes and the thresholds we have used are not dissimilar.</p>

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		<p>DAF does not accept any attempts by a local government to prohibit or make intensive animal uses inconsistent in the rural zone.</p> <p>DSDMIP advises: The Sunshine Coast Planning Scheme uses a scale (threshold) to determine code and impact for the rural zone for 'intensive animal industry': Code assessment if involving less than</p> <ul style="list-style-type: none"> <li>• 21 standard units of pigs</li> <li>• 1000 birds or poultry</li> <li>• 50 standard units of cattle</li> <li>• 350 standard units of sheep</li> </ul> <p>Impact assessment if not otherwise specified.</p> <p>DSDMIP doesn't consider this to be prohibition but rather, regulation. As such, DSDMIP is not against Noosa Shire Council regulating intensive animal industry in a similar way to Sunshine Coast Regional Council, by providing local context as the justification.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	
8	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 5 Tables of assessment, Wholesale nursery, Accepted Development subject to requirements</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Amend (b) to allow for greater area of combined shed/greenhouse structures, for example, by stating the covered areas is ten per cent of the area of the lot.</p> <p><b>Reason:</b> The allowable combined greenhouse/shed structure area is insufficient to provide for a commercial wholesale nursery operation. Unjustified restrictions on the area of these structures has the potential to limit the activity below economic levels and thus constitutes a de-facto prohibition of the activity on a commercial-scale. This is inconsistent with the intent of the SPP Agriculture Policy 4 (a).</p>	<p>Currently it is all code assessable and we were trying to make smaller operations self-assessable.</p> <p><b>We have increased the threshold for accepted development subject to requirements to 2,000m<sup>2</sup> for both intensive horticulture and wholesale nursery.</b></p> <p>Above 2,000m<sup>2</sup> we continue to require code assessment but <b>we have amended the AO of the code to specify it can be up to 10% of the site area.</b></p>
9	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6.7 Environmental zones category, Table 6.7.1.3 AO8.2, and; Part 6.8 Other Zone Categories, AO18.1 and; Rural Zone Code, Table 6.8.3.3 AO8.3</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated (Agriculture, policy 3)</i></p> <p><b>Action:</b> Amend relevant AO in each code to include:</p> <ul style="list-style-type: none"> <li>• Setback of 100m incorporating natural vegetation and other buffer elements from the level of Highest Astronomical Tide (HAT) in tidal areas.</li> <li>• A setback of 50 m (incorporating natural vegetation and other buffer elements) from freshwater habitats.</li> </ul> <p><b>Reason:</b> Setbacks are defined for a range of matters including erosion prone areas. They should be identified for significant waterways as well to ensure fisheries resources are protected.</p> <p>The recommendation is based on a generic policy position which recommends a minimum buffer width of 100 m (incorporating natural vegetation and other buffer elements) set back from the level of HAT in tidal areas. In freshwater areas a minimum 50-metre setback is recommended (incorporating natural vegetation and other buffer elements) from freshwater habitats. These generic buffer widths are considered a 'starting point' from which site-specific requirements can be negotiated. See the fish habitat guideline at <a href="https://www.daf.qld.gov.au/data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf">https://www.daf.qld.gov.au/data/assets/pdf_file/0009/69786/FHG003-Fish-Habitat-Guideline.pdf</a></p>	<p>The following riparian buffers apply to waterways across Noosa Shire as part of the Biodiversity, Waterways and Wetlands Overlay:</p> <ul style="list-style-type: none"> <li>- All major lakes, 200m buffer</li> <li>- Noosa River and lower Kin Kin Creek, 200m buffer</li> <li>- Unconfined / Partly confined and Alluvial based major waterways, 100m buffer</li> <li>- Confined major waterways, 50m buffer</li> <li>- All other waterways Stream Order 1 or greater, 10m buffer</li> <li>- For Cooroibah and Pomona rural residential areas, wider buffers applied to some streams where development impacts likely to be greater and connectivity functions or opportunities exist</li> <li>- For Lake Macdonald catchment, wider buffers applied to some 1<sup>st</sup> and 2<sup>nd</sup> order streams for protection of water quality functions and riparian connectivity consistent with previous 2006 Noosa Plan.</li> </ul> <p>An assessment of waterways buffers has been provided to the State in the document Noosa Shire Waterways Assessment 2017.</p> <p><b>Council has made the following changes:</b></p> <ul style="list-style-type: none"> <li>• Amend buffer widths in Table 6.7.1.3 AO8.2 to read "setback... a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterway and Wetland Overlay maps".</li> <li>• Amend buffer widths in Table 6.8.1 AO18.1 to read "setback... a distance greater the riparian buffer area shown on Biodiversity, Waterways and Wetlands Overlay maps".</li> <li>• Amend buffer width in Table 6.8.3.AO8.4 for the Rural Zone. "a distance greater than the width of the riparian buffer area shown on Biodiversity, Waterways and Wetland Overlay maps".</li> </ul>

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<p>10</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> 6.8.3 Rural Zone Code; 6.8.3.2; points 2(a) and 2(f)</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Address the action in item 4 above, and if appropriate include intensive animal industries in both dot points.</p> <p><b>Reason:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>SPP states - growth in agricultural production and a strong agriculture industry is facilitated by promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p><b>FURTHER ADVICE:</b> The definition of agriculture in the SPP includes intensive animal industries.</p> <p>The rural zone is the appropriate place for all agriculture/rural uses including intensive animal industries in appropriate locations. All types of agricultural development are consistent with the intent of the rural zone.</p> <p>All rural uses should be listed as consistent uses in the rural zone. Please amend any instances with rural uses are listed as inconsistent uses in the rural zone. Council can regulate the level of assessment through the tables of assessment.</p>	<p><b>Intensive Animal Industry is now considered consistent where it meets the following criteria:</b></p> <ul style="list-style-type: none"> <li>a) located at least 100 metres from a sensitive land use;</li> <li>b) located outside the Water Supply Buffer or Water Resource Catchment;</li> <li>c) located outside the Flooding and Inundation area;</li> <li>d) located outside the Riparian Buffer Area.</li> </ul>
<p>12</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, PO2/AO2</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Include an Editor's Note advising that aquaculture is permissible on ALC Class A/B land (Agricultural Land Conservation Area)</p> <p><b>Reason:</b> The SPP clearly articulates that planning schemes are to "promote hard to locate intensive agricultural land uses, such as intensive animal industries, <b>aquaculture</b> and intensive horticulture in appropriate locations.", and the State Interest guidance material for Agriculture states that it is permissible for aquaculture to be located on ALC Class A/B land where the impacts can be minimised etc.</p>	<p><b>Done - Editor's note added below AO2.2 as follows: "Aquaculture is specifically permissible on Agricultural Land Conservation Area".</b></p> <p>(ALCA is a defined term)</p>
<p>13</p>	<p>The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.</p>	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Building height and scale, PO7 and AO7</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>1. Remove provision that buildings and other structures are "low rise" if low rise means under 9 metres, or define what "low rise" means.</li> <li>2. Amend PO7(b) to "minimise an appearance of bulk to adjacent properties etc.</li> </ol> <p><b>Reason:</b> Some agricultural buildings are not low rise (depending on definition) and are high through necessity (eg. silos) – some greenhouse structures need to be 9 metres high to get the best growing conditions for certain crops. Restricting the height of these structures in the rural zone does not represent support for agriculture and is therefore inconsistent with the SPP.</p> <p>Likewise, some agricultural buildings need to be bulky through necessity and it would support agricultural development to allow a proponent to "minimise" the bulkiness rather than straight out not supporting it. The rural zone is for rural activities and if that rural activity requires a bulky structure to be viable, then it should be supported through the planning scheme to comply with the SPP.</p>	<p>It's accepted silos and other agricultural structures/buildings could exceed 9 metres but not to an indefinite figure and Council should still see plans of anything particularly high especially if that structure is within a certain distance of property boundaries.</p> <p><b>6.8.3.3. PO7 remains however (b) has been amended to read "minimise the appearance of bulk to adjacent properties, roads or other areas in the vicinity of the site";</b></p> <p><b>The corresponding AOs now read as follows:</b></p> <p><b>AO7.1</b> <b>Buildings are no more than two storeys in height.</b></p> <p><b>AO7.2</b> <b>With the exception of Class 10 buildings or structures used exclusively for a rural activity, buildings and structures are no more than 8 metres in building height from ground level and no more than 8 metres above the finished surface level providing that they may be up to 9 metres where the pitched roof but no other part of the building or structure exceeds 8 metres.</b></p> <p><b>AO7.3</b></p>

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		<p><b>FURTHER ADVICE</b> DAF is concerned that a boundary setback of twice the height of the building or structure is excessive, however given it is an AO, DAF will accept.</p> <p>However there doesn't appear to be any decision on PO7(b)</p> <p>DAF supports Councils endeavours to avoid "big barns" being converted to a dwelling.</p> <p>DAF and DSDMIP expect some revision of the planning scheme to address these issues, particularly a reword of PO7(b) to address the requirement around the appearance of 'bulk'.</p>	<p><i>With the exception of Class 10 buildings or structures used exclusively for a rural activity, individual buildings or roofed structures do not exceed 500m<sup>2</sup> gross floor area.</i></p> <p><b>A07.4</b> <i>Class 10 buildings used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry do not exceed 12 metres in height.</i></p> <p><b>A07.5</b> <i>A structure, not constituting a building, used exclusively for the purpose of animal husbandry, aquaculture, cropping, intensive animal industry, intensive horticulture or rural industry does not exceed 15 metres in height.</i></p> <p>This should not be onerous on genuine farming situations but we would prefer to avoid big "barns" that very quickly get converted to habitable buildings. DAF indicated it's OK.</p>
14	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Built form, Setbacks, PO8 Part (a)</p> <p><b>Integration of state interest:</b> <i>State interest is partially integrated</i></p> <p><b>Action:</b> Reword this PO to focus on not causing environmental harm and nuisance (as per EP Act) to sensitive receptors.</p> <p><b>Reason:</b> Currently the performance outcome is too focussed on the amenity (amenity being highly subjective) of other users of the rural zone and is ultimately not supportive of agricultural operations in the appropriate zone. Agriculture is at times going to cause some noise/dust/odours – this is why it is constrained to the rural zone.</p> <p><b>FURTHER ADVICE</b> DAF agrees in part, however if an issue as subjective as "amenity" is going to be continually used as a means of managing rural uses in the rural zone, then DAF would like to see recognition that the rural zone is for rural purposes and this land use will affect amenity to some degree, at some time, to some people. Even small-scale boutique enterprises have the potential to affect someone's amenity if that person's perception of the rural zone is different to what the zone is actually for.</p> <p>Suggest - <b>"avoid environmental harm or nuisance to sensitive land uses, including adverse impacts, over and above what could reasonably be expected in the rural zone, on amenity values, acknowledging that the rural zone is for rural uses."</b></p> <p>DAF and DSDMIP request that council reword, so that the PO is measurable. DSDMIP also suggest council do an audit of the planning scheme, to see if amenity is already covered off through other provisions, for instance, buffers etc.</p> <p><b>DAF and DSDMIP expect some revision of the planning scheme to address the above.</b></p>	<p><b>Reworded PO8 (a) to read "avoid environmental harm or nuisance to sensitive land uses, including adverse impacts on amenity values, over and above what could reasonably be expected in the rural zone;"</b></p>
15	The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	<p><b>Planning Scheme Reference:</b> Part 6, Section 6.8.3 – Rural Zone Code, Table 6.8.3.3 - Criteria for assessment, Safety and amenity PO9 and PO10</p> <p><b>Integration of state interest:</b> <i>State interest partially integrated</i></p> <p><b>Action:</b> Delete PO9 and PO10(b)</p> <p><b>Reason:</b> Impacts to amenity have been covered under the setbacks section – PO8 (a). Generally, the rural zone code is not particularly supportive of agriculture and is more focussed on protecting the lifestyle of people living in the zone. Inclusion of PO9 confirms this focus and does not support agricultural uses in the rural zone. If the focus in the rural zone is on lifestyle and environmental attributes, then the land in this zone needs to be zoned accordingly (ie not rural zone).</p>	<p><b>PO9 is reworded to say "Development does not result in environmental harm or environmental nuisance to sensitive land uses."</b></p> <p><b>PO10b) is deleted.</b></p>