

# **Peregian Beach Community Association Inc**

## **Submission**

**re Scanlon Group Application to Develop  
the site in the photograph below at  
215-219 David Low Way, Peregian Beach  
MCU 16/0153 & REC16/0041**



Peregian Beach Community Assoc Inc  
PO Box 312, Peregian Beach 4573  
22 April 2017

The Assessment Officer,  
Noosa Shire Council  
[mail@noosa.qld.gov.au](mailto:mail@noosa.qld.gov.au)

Att. Mr Patrick Murphy,

**Submission re Scanlon Group Development Application  
215-219 David Low Way, Peregian Beach  
MCU 16/0153 & REC16/0041**

I write on behalf of the Peregian Beach Community Association Inc (PBCAI) objecting to the approval of the above development application (DA).

Our grounds include the following:

- The site is zoned Open Space Recreation and there are no current consistent uses other than as a caravan park and associated visitor accommodation.<sup>1</sup> The Open Space Recreation zoning limits the developer's options to those available in the Noosa Plan.
- It is essential that the open space recreation zoning of the site under the Noosa Plan is adhered to and that only limited short term VISITOR accommodation be permitted.

Nonetheless, as the DA seeks to pursue development as though the previous approval had not lapsed, PBCAI has considered the DA and raises the following additional objections:

- Construction issues: the extensive earthworks will necessitate mass importation of fill material with major adverse traffic and environmental impacts.
- Traffic impacts: the additional traffic and the restricted access and egress to the development will significantly aggravate existing traffic congestion and safety issues and negatively impact the amenity of Peregian village.
- The development will result in changes to the natural drainage and disturbance of the wetland system contrary to the Noosa Plan.
- Services, ecology, water and noise issues.
- Significant Non-compliance with Council requirements: density, site cover, gross floor area and building heights are all excessive.

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- <sup>1</sup> The approval of 12 February 2010 lapsed on 28 September 2016 and on 16 March 2017 Noosa Council refused an application to extend it.

The DA acknowledges the significant areas where the proposal is in conflict with the Noosa Plan 2006.

Any departure from the planning scheme must be justified by the applicant demonstrating to Council that there are sufficient grounds for that departure.

The Sustainable Planning Act (SPA) requires that Council's decision on an impact assessable application must not "*conflict with [the planning scheme], unless ... there are sufficient grounds to justify the decision, despite the conflict.*"<sup>2</sup> "Grounds" are defined as "*matters of public interest*" but do not include "*the personal circumstances of an applicant, owner or interested party.*"<sup>3</sup>

**The DA does not provide sufficient grounds in the public interest to warrant overturning the Noosa Plan. Council should refuse the application.**

For all of the above reasons, PBCAI urges Council to uphold the Noosa Plan and refuse this DA and the application to reconfigure the 1 lot into 29 lots.

Yours sincerely

Barry Cotterell  
Acting President, PBCAI

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<sup>2</sup> *Sustainable Planning Act 2009* (SPA), s326 (1) (b).

<sup>3</sup> SPA Schedule 3, Dictionary.

Peregrine Beach Community Assoc Inc  
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## OVERVIEW

The proposed development significantly conflicts with the Noosa Plan, for the following reasons:

- The DA proposes building on Open Space Recreational zoned land a development which is totally inconsistent in a multitude of ways with the Noosa Plan;
- The DA raises significant environmental concerns especially with regard to the watercourse and wetlands;
- the proposed development does not offer visitors the expected range of experiences and accommodation types expected for the land and the development is not consistent with Part 3 - Desired Environmental Outcome (j) Tourism;
- with respect to the Eastern Beaches Locality Code:
  - the proposed development **does not protect and retain low cost accommodation** consistent with maintaining a diversity of accommodation types for visitors to the locality and therefore is not consistent with overall outcome (h);
  - the proposed development **does not provide for Visitor Accommodation Type 4 Conventional** to be located in close proximity to the Peregrine Neighbourhood Centre and therefore is not consistent with overall outcome (t)(ii);
  - the proposed development being located within the Open Space Recreation Zone does not contribute to the desired lifestyle of residents because it **does not offer a variety of passive and active recreational experiences** that are conducive to community interaction and wellbeing and therefore is not consistent with overall outcome (bb);
  - the proposed development **seeks to provide a small lot housing development and in particular, Multiple Housing Type 4 – Conventional, which is not a consistent use in the Open Space Recreation Zone** and therefore is not consistent with performance outcome O73;
  - the proposed development seeks to provide Visitor Accommodation Type 4, but not in association with Visitor Accommodation Type 2, and therefore is not consistent with the Open Space Recreation Zone and therefore is not consistent with performance outcome O74;
  - The proposed development **does not protect the Peregrine Beach caravan park site for low cost visitor accommodation** and therefore is not consistent with performance outcome O75;
  - Visitor Accommodation Type 4 is being proposed on the land, but **is not integrated as part of a caravan park use or other form of budget accommodation** and therefore is not consistent with performance outcome O76;
  - Will interfere with the creeks that run through the property and therefore is in conflict with Eastern Beaches Locality Division 15, Table 7.10

- The proposed development **will result in significant traffic generation** that will affect nearby uses and is not consistent with performance outcome O77;
- **The proposed buildings and structures are not designed and sited to be attractive, comfortable and accessible to the public or provide suitable landscape treatments and amenities, conducive to community interaction and convenience and public safety** and therefore is not consistent with performance outcome O78;
- The proposed development is **not consistent with the reasonable expectations of residents in the locality, given the Peregrine Beach Caravan site is to primarily provide for budget visitor accommodation, which is in the public interest;**
- **There are no grounds provided that are sufficient to overcome the level of conflict identified with the Noosa Plan.**

## 1. History

### 1.1 Peregian Beach Caravan Park

The site on which this development is proposed was part of a caravan park which existed in Peregian Beach from 1964. The current developer excluded permanent caravan residents from the site and then claimed that the caravan park was not commercially viable.

### 1.2 The 2007 Development Application

An application was lodged in 2007 for a Material Change of Use for visitor accommodation, restaurant, shops and office and was originally refused by Council on 21 August 2009, but subsequently settled on 12 February 2010 through the appeal process. The approval was over 4 lots, 3 with frontage to the David Low Way and a larger lot to the rear of these lots, all accessed from the then Unnamed Road, which is now Sandpiper Court.

The Planning and Environment Court sanctioned the approval of 12 February 2010 of the now lapsed DA referred to above. At item 3 it stated:

*The units shall operate in accordance with the defined use of 'Visitor accommodation – Type 4 Conventional' in the Noosa Plan, which provides for short term visitor accommodation. The units shall not be used for the purpose of permanent residential accommodation, with the exception of two manager/caretaker's units. The Community Management Statement for any or all Bodies Corporate having control of the development, or any part thereof, shall incorporate this requirement."*

However, the developer was not satisfied with what he had agreed to and in 2011 went back to the Planning and Environment Court to vary his agreed plans. Apparently the developer was unable to sell any of the "beach shacks" off the plan and the proposed mini-supermarket, approved as part of that approval, was non-viable. With no pre-commitment the developer did not proceed.

### 1.3 The 2013 Development Application

Subsequently, in 2013 the developer submitted a new development application (for the area where the commercial building was approved) for a supermarket and four specialty shops, this time, after discussion with the Peregian Beach community. This proposal, was supported by PBCAI and the Peregian Beach community and was approved by Noosa Council on 29 May 2014.

This constituted a major concession, allowing the developer to build a Supermarket complex on the Open Space Recreation zoned property.

### 1.4 The 2016 Development Application

On 16 September 2016, the developer filed a development application to change the development approval and extend the relevant period for visitor accommodation, office, shops and restaurants at 215a David Low Way,

Peregian Beach. The developer sought a 2 year extension to the relevant period being 28 September 2016 and a 2 year extension to the sunset provision of the development approval being that all works associated with the development had to be completed by 4 February 2018.

On 16 March 2017, Noosa Council considered the recommendation of the Planning & Environment Committee and decided to refuse the request to extend the relevant period and of relevance here stated:

*“The proposed development is inconsistent with The Noosa Plan and given the time lapsed it is relevant to examine whether there are still grounds in the community’s interest to justify the conflict with the planning scheme*

...

*The approved development in its current form cannot proceed as a shopping complex has been constructed on a significant portion of the site and has superseded the development approval.*

In assessing the 16 September 2016 application, the Council Planning staff submitted the following to the Planning & Environment Committee:

*“The Planning Scheme’s requirements for the site remain generally the same as when the application was originally lodged and as such **the development remains inconsistent with the Planning Scheme’s development intent for the site. The site is predominantly zoned Open Space Recreation**, with a portion of the site fronting David Low Way zoned Semi-Attached Housing. **For the area of the site zoned Open Space Recreation, the planning scheme seeks to maintain the use of the site for the former caravan park and supports visitor accommodation units only where associated with the caravan park use...** (Highlighting added)*

*The application was originally refused on numerous grounds including but not limited to the development being excessive for the site in terms of density, height, bulk and scale. The development was also considered contrary to the Specific and Overall Outcomes of the Eastern Beaches Locality Code which sought to protect and retain the caravan park for low cost visitor accommodation needs. The applicant also relied on inadequate or irrelevant planning grounds to justify the departure from the Planning Scheme.*

*Through the appeal process the development’s density, height, bulk and scale were reduced and the development’s general presentation to the street significantly improved. **It was also accepted that the proposed visitor accommodation was a reasonable replacement for the caravan park as it included low to mid-range cost visitor accommodation facilities....**(highlighting added)*

...

*An IGA supermarket and speciality shops have been constructed over approximately a third of the site to the David Low Way frontage,*

***removing the approved commercial uses and low cost visitor accommodation components.*** (highlighting added) *The development of this shopping complex means the proposed development has been superseded and cannot proceed without substantial changes to the approval.*

#### 4. CONCLUSION

***The proposal remains inconsistent with the current Planning Scheme. ...***

*Furthermore, a new unrelated development is now constructed on a portion of the site (IGA and associated shops) and as such this development cannot proceed as approved.*

*The request to extend the relevant period and sunset provision is therefore recommended for refusal.”*

### 1.5 Summary

This means that the site is zoned Open Space Recreation and there are no consistent uses other than as a caravan park.

Therefore, many of the comments and documents in the DA which relate to the now lapsed approval are irrelevant except as evidence of what the developer was prepared to accept under the mediated agreement.

It is PBCAL's strong view that this DA must be refused and the developer must now start afresh to apply for approval to build on open space recreation in compliance with the Noosa Plan.

## 2. Zoning

On 16 March 2017, Noosa Council considered the recommendation of the Planning & Environment Committee and decided to refuse the request to extend time and informed the developer that that “development is inconsistent with The Noosa Plan”. Despite that formal advice the developer wants to proceed with this DA, which is in significantly greater conflict with the Noosa Plan than the previous development plan, as demonstrated below.

### 2.1 Inconsistent Uses

Figure 3 below illustrates that the proposed development is in the Open Space Recreation zone. It should be noted here that the Semi-Attached Housing Zone component shown in Figure 3 is now covered by the IGA carpark and, despite the applicant's assertions to the contrary, there is no longer any part of the site to which this zoning applies.



Figure 3 – Zone map and aerial of the site.

The Noosa Plan at Division 23 provides ***Specific Outcomes and Probable Solutions for the Open Space Recreation Zone in Table 7.19*** in terms of consistent and inconsistent uses as follows:

***Division 23—Specific Outcomes and Probable Solutions for the Open Space Recreation Zone***

Table 7.19

Column 1 Specific Outcomes	column 2 Probable solutions
7.38 Consistent Uses	

<p><b>073</b> The following defined uses and use classes are consistent uses and are located in the Open Space Recreation Zone—</p> <ul style="list-style-type: none"> <li>a) <b>Entertainment and dining business Type 1</b> where in conjunction with an <b>Open space use</b>;</li> <li>b) Entertainment and dining business Type 2;</li> <li>c) <b>Emergency service Type 2</b>;</li> <li>d) Open space;</li> <li>e) <b>Wellbeing Type 2</b>;</li> <li>f) Ancillary dwelling unit;</li> <li>g) Visitor accommodation Type 2; and</li> <li>h) <b>Visitor accommodation Type 4</b> where located in conjunction with <b>Visitor accommodation Type 2</b> on Lots 8,9 &amp; 10 on P9315 and Lot 76 on MCH2969, 215-219 David Low Way, Peregrine Beach.</li> </ul>	<p>No solution provided</p>
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### 7.39 Inconsistent Uses

<p><b>074</b> The following defined uses and use classes are inconsistent uses and are not located in the Open Space Recreation Zone—</p> <ul style="list-style-type: none"> <li>a) All Agricultural Uses;</li> <li>b) Commercial business;</li> <li>c) <b>Entertainment and dining business Type 1</b> where not in conjunction with an <b>Open space use</b>;</li> <li>d) <b>Entertainment and dining business Type 3</b>;</li> <li>e) Home-based business;</li> <li>f) Industrial business;</li> <li>g) Retail business;</li> <li>h) Education;</li> <li>i) Emergency service Type 1 or 3;</li> <li>j) <b>Wellbeing Types 1,3 or 4</b>;</li> <li>k) All <b>Infrastructure Uses</b>;</li> <li>l) Detached house;</li> <li>m) Multiple housing;</li> <li>n) Community residence;</li> <li>o) <b>Visitor accommodation Types 1 or 3</b>; or</li> <li>p) <b>Visitor accommodation Type 4</b> where not located in conjunction with <b>Visitor accommodation Type 2</b> on Lots 8,9 &amp; 10 on P9315 and Lot 76 on MCH2969, 215-219 David Low Way, Peregrine Beach.</li> </ul>	<p>No solution provided</p>
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<p><b>Column 1</b> <b>Specific Outcomes</b></p>	<p><b>column 2</b> <b>Probable solutions</b></p>
<p><b>7.40 Effects of use</b></p>	

<p><b><i>Caravan and camping facilities at Peregian Beach</i></b></p> <p><b>O75</b> The caravan park at Peregian Beach is protected and retained to provide for low cost Visitor accommodation needs;</p> <p>AND</p> <p><b>O76</b> Visitor accommodation Type 4 is provided only where it is integrated as part of the existing caravan park use.</p>	<p><b>S75.1</b> Lots 8,9 &amp; 10 on P9315 and Lot 76 on MCH2969, 215-219 David Low Way, Peregian Beach is retained as a caravan park, with 50% of the <i>site</i> used as <b>Visitor accommodation Type 2</b>.</p> <p><b>S76.1</b> No solution provided</p>
<p><b><i>Amenity</i></b></p> <p><b>O77</b> Active recreation facilities do not result in significant levels of traffic generation or significant levels of noise or light emission affecting nearby Residential Uses.</p> <p><b>7.41 Built form</b></p> <p><b>O78</b> <i>Buildings and structures</i> are designed and sited to—</p> <ul style="list-style-type: none"> <li>a) encourage the co-locating of a range of open space uses;</li> <li>b) be attractive, comfortable and accessible to the public; and</li> <li>c) provide suitable landscape treatment, seating, lighting and other amenities conducive to community interaction and convenience and public safety.</li> </ul>	<p>No solution provided</p> <p>No solution provided</p>

The Noosa Plan contains definitions and at page 2.14 “Open Space” is defined as:

**Open space** means any use of private or public land left predominantly undeveloped by buildings or structures. The term includes the following types: Type 1 Sport & recreation and Type 2 Camp ground.

**Inconsistent use** is also defined in the Plan and “means the use is strongly inappropriate in the relevant zones because it is incompatible with other uses generally expected in that zone.”<sup>4</sup>

This site is zoned Open Space Recreation. However, under the provisions of the Eastern Beaches Locality Code the developer may build a “visitor hostel” on the site. This was also available under the now lapsed approval.

## **2.2 Summary**

The proposal is materially and substantially inconsistent with the requirements of the Noosa Plan.

## **3. Application for Development Permit to Reconfigure 1 Lot into 29 lots**

This application was filed at the same time as the DA. What is proposed<sup>5</sup> is 26 lots relating to the 26 “Houses” in the housing estate, the 27<sup>th</sup> is the Hotel and 28<sup>th</sup> the IGA supermarket. 29<sup>th</sup> lot is the road and common areas.

### **3.1 Outcomes of Reconfiguration**

If the reconfiguration is approved, the following will be the result:

#### **Figure 1**

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<sup>4</sup> See Noosa Plan page 2-24

<sup>5</sup> See Sprout Architects Drawing no. 16003 on SD26

Lot No	Lot Size M2	Site Cover M2	%
1	160	116	72
2	160	112	72
3	160	112	70
4	180	116	64
5	186	116	62
6	160	112	72
7	160	116	72
8	160	112	72
9	176	112	64
10	160	133	83
11	160	116	72
12	160	133	83
13	160	133	83
14	160	133	83
15	160	112	72
16	160	133	83
17	248	106	43
18	229	106	46
19	229	106	46
20	229	106	46
21	229	106	46
22	226	106	46
23	228	106	46
24	228	106	46
25	228	106	46
26	228	106	46
Hotel	1830	1586	86

**PBCAI agrees with Sprout Architects reference to the allowable site coverage as 40 percent under the Noosa Plan and, therefore, none of these lots would comply.**

If the application to reconfigure the 1 Lot into 29 lots of the sizes referred to in Figure 1 above were granted the site cover for all of the lots would be excessive for both Multiple Housing Type 4 and Visitor accommodation Type 4 under the Noosa Plan. Further, Multiple Housing Type 4 on sites less than 800M2 is an inconsistent use under the Noosa Plan (7.16 O30 n)) and the DA

would have to be refused as an inconsistent use even under the Semi-Attached Housing Zone, which this is not.

### 3.2 Summary

If the reconfiguration is granted, Lots 1 to 26 will all be between 160 and 248m<sup>2</sup> which PBCAI submits is too small for this development, resulting in excessive density and scale. The reconfiguration request, therefore, should be rejected. After the Minimum Boundary Setbacks under the Noosa Plan are applied to these extremely small lots, the whole housing estate DA should be rejected.

**Any DA for Multiple Housing or Detached Housing is an inconsistent use on this Open Space Recreation zoned site and should be rejected.**

## 4. The Current Development Application for Material Change of Use

This DA was filed after the previous approval had expired on 29 September 2016 but before Noosa Council had considered and rejected the developer's application for an extension of time, which occurred on 16 March 2017.

### 4.1 Lapsed Approval

Many of the documents and submissions filed by or for the developer refer to the now lapsed approval. Therefore, the DA as submitted does not proceed from the existing position that this is land zoned Open Space Recreation and there are no current approvals for any use other than as a caravan park.

The balance of the caravan park site, after the IGA supermarket was developed, is what the developer is currently seeking approval to develop.

### 4.2 Current DA

It is important to reiterate the written advice to the pre-lodgement meeting held on 14 December 2016 (between Council and the developer):

*The Open Space Recreation zone in Peregrine Beach specifically seeks to protect and retain the site for low cost visitor accommodation needs reflective of the site's previous use as a caravan park, but also acknowledges that a range of visitor accommodation may be provided where integrated with budget accommodation. There is no support given to permanent residents on the site.*

*It is noted that the current approval included only visitor accommodation, with no permanent resident accommodation proposed. This approved development was supported by Council through an appeal process as it was acknowledged that it included low to mid cost visitor accommodation being a reasonable alternative to the Planning Scheme's intent to retain the caravan park.*

*It is considered the current proposal does not meet the Planning Scheme's intent for the site as there is a lack of and a limited range of visitor accommodation proposed.....*

**The DA is in significant conflict with this advice.**

**The DA proposal is for:**

**Multiple Housing of 3 types – 88 Beds (or 176 Persons)**

**They are all proposed for PERMANENT RESIDENTS.**

**The Kamala & Marram Houses** (in the centre of the ring road) There are **11** of these with 3 bedrooms each capable of being occupied by 2 persons. (66 persons). Carparking is 9x2. Estimated price **\$825K**

**The Wallum Units** (along Rufous Lane). There are **5** of these with 3 bedrooms each capable of being occupied by 2 persons. (30 persons). Carparking is 5x3 and 2x2. Estimated price **\$725-800K**

**Reed Beach Houses** (behind the Hotel) – There are **10** of these with 4 bedrooms upstairs each capable of being occupied by 2 persons and living down. (80 persons). Carparking is 10x3. These units will be approximately 6m below the Hotel level. Estimated price **\$850K**.

The prices outlined are those advised to the PBCA at a meeting with the developer on 6 April 2017.

**Essence Hotel & Conference Centre – 40 beds (or 80 Persons)**

The developer proposes to develop and run the hotel with 20 visitor accommodation rooms and 12 apartments (4 x 1 bedroom and 8 x 2 bedroom) which are described as “multiple and visitor”. (80 persons).

**The 12 apartments are proposed for PERMANENT RESIDENTS.**

The Hotel will apparently employ 15 people (full-time and part-time) including conference facilitators. The Conference room is small and apparently will seat 40. There are 40 car parks proposed with all except 3 (Visitor parking?) under the Hotel and behind a security gate.

### **4.3 Multiple Housing**

**Multiple housing**<sup>6</sup> is defined in the Noosa Plan and means “the use of premises for two or more dwelling units or accommodation units as the case may be, occupied by permanent or semi-permanent residents, where the occupants may share common facilities on the site. The term includes Duplex, Type 3 Retirement and special needs, Type 4 Conventional, and Type 5 Relocatable.

Under 7.39 O74 of the Noosa Plan, **Multiple Housing is specifically listed as an inconsistent use as is a Detached House.** It is an Inconsistent use

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<sup>6</sup> See Noosa Plan page 2.17

“because the use is strongly inappropriate in the relevant zones because it is incompatible with other uses generally expected in that zone.”

By definition Multiple housing can be occupied “by permanent or semi-permanent residents” which conflicts with the Specific Outcomes and Probable Solutions for the Open Space Recreation Zone.

The built form of Multiple Housing is not designed and sited to—

- a) encourage the co-locating of a range of open space uses;
- b) be attractive, comfortable and accessible to the public; and
- c) provide suitable landscape treatment, seating, lighting and other amenities conducive to community interaction and convenience and public safety.

### **This is another Inconsistent Use.<sup>7</sup>**

Adams and Sparkes, Town Planning & Development Consultancy, who submitted the DA on behalf of the developer, at page 17 para 34 states:

*The intent of this is for all detached Multiple Housing Units to operate as Detached Houses, with each unit to be included on standard format lots within a community title scheme.*

Table 7.16 refers to Inconsistent Uses and states:

*“The following defined uses and use classes are inconsistent uses and are not located in the Semi-Attached Housing Zone-  
n) Multiple Housing Type 4 on sites less than 800m<sup>2</sup>”*

Building another ‘permanent housing estate’ on this land will not provide for the growing need of the local community. Peregrine Beach is already being surrounded by new small lot housing developments that lack public amenity and open space.

The proposed private road of tightly spaced concrete driveways and garage door frontages would produce a most uncomfortable pedestrian thoroughfare between the IGA supermarket & Rufous Street. The appearance would not be enhanced by the rubbish bins parked on the circular road in front of the houses.

## **4.4 Visitor Accommodation**

**Visitor accommodation** is also defined in the Noosa Plan and “means accommodation that is designed and used for visitors to the Shire and where social, recreational and dining services may be provided for visitors by owners or staff. Resident guests stay for a **temporary period of time** (typically not exceeding 3 consecutive months). The term includes **Type 4 Conventional** which means:

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<sup>7</sup> See Noosa Plan 7.39

*Two or more dwelling units or accommodation units, for the purpose of providing **short-term** visitor accommodation. The use may include common recreation or dining facilities and includes an ancillary dwelling unit for onsite manager. The use includes a guesthouse, **visitor hostel, motel, resort and serviced rooms, ... (Highlighting added)***

**Visitor accommodation Type 4** is defined as an **inconsistent use** where not located in conjunction with **Visitor accommodation Type 2** on Lots 8,9 & 10 on P9315 and Lot 76 on MCH2969, 215-219 David Low Way, Peregrine Beach. It is an Inconsistent use “because the use is strongly inappropriate in the relevant zones because it is incompatible with other uses generally expected in that zone.”

Under the Noosa Plan the Caravan park<sup>8</sup> at Peregrine Beach is protected and retained to provide for low cost Visitor accommodation needs. According to the Noosa Plan a possible solution<sup>9</sup> is for the lots to be retained as a caravan park, with 50% of the *site* used as **Visitor accommodation Type 2**.

The first plans submitted with this DA referred to a “Motel” but for some reason unknown to PBCAI subsequent plans refer to an “Hotel”.

**Motel** is also defined in the Noosa Plan<sup>10</sup> and “means the use of premises for providing overnight, short-stay or holiday accommodation for travellers in accommodation units, as well as parking spaces for their motor vehicles and on-site reception/bookings office facilities. The term includes ancillary administration, restaurant, and conference facilities, and manager or caretaker's residence.

A Motel provides **short-term accommodation and not permanent accommodation**. The developer plans to allow for permanent accommodation in the Hotel proposed.

An “Hotel” is an Entertainment and dining business Type 3 is an inconsistent use in the Open Space Recreation Zone<sup>11</sup>.

The developer is not seeking to build a “visitor hostel” but a Hotel. A “visitor hostel” is defined under the Noosa Plan and does not include a Hotel. When the DA for the IGA Supermarket was approved, the 68 backpacker beds were no longer part of the development. This current DA seeks approval of only 20 short-term visitor beds in the Hotel, which is a significant reduction of the

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<sup>8</sup> See O75

<sup>9</sup> See S75.1

<sup>10</sup> See Noosa Plan page 2.25

<sup>11</sup> See O74

short-term visitor accommodation which the Noosa Council wanted to maintain for the site when the caravan park was closed.

#### **4.5 Summary**

**It appears to PBCAI that the developer is not seeking a Material Change of Use in the Open Space Recreation zone but to have the land rezoned. The developer wants to build:**

- **very little short-term visitor accommodation;**
- **no low cost accommodation;**
- **a small lot housing estate for permanent residents;**
- **leave very little Open Space Recreation land; and**
- **provide very limited access to the land dedicated as a Council Reserve**

**PBCAI submits that all of the accommodation units in both the Hotel and the Houses should operate in accordance with the defined use of ‘Visitor accommodation – Type 4 Conventional’ in the Noosa Plan, which provides for short term visitor accommodation.** A Visitor Hostel would not conflict with the Noosa Plan.

PBCAI submits that these Multiple Housing Units should be assessed as Detached Houses especially if the lot reconfiguration is approved. Under either multiple housing or detached houses they are an inconsistent use in the Open Space Recreation zone.

The proposal of a small lot housing estate as shown in this DA would only put more pressure onto the existing village public amenities and provide absolutely no contribution to the character of the Commercial Centre.

**PBCAI strongly objects to the inclusion of both an Hotel and the housing estate in this proposal. It is essential to retain and protect the Open Space Recreation zoning given by the Noosa Plan for this site and the access to short-term visitor accommodation.**

### **5. DA’s Lack of compliance with the Noosa Plan**

PBCAI’s Objection to the DA is firstly based on its lack of compliance with the Noosa Plan Open Space Recreation zone requirements.

#### **5.1 Community, Local and State Government**

PBCAI specifically seeks to protect and retain the site for low cost visitor accommodation reflective of the site’s previous use as a caravan park. Peregrine Beach is a family oriented village and affordable visitor

accommodation attracts the type of visitor - families and retirees - that the village welcome.

The Noosa Plan resulted from a community consultation process and was subsequently approved by the State Government. It should not lightly be ignored by a developer being granted an approval which significantly conflicts with the Plan.

## 5.2 Developer's Track Record

The proposed development does not benefit of the Peregrine Beach community. Such a dense development is out of character with the nature of accommodation in PB. It is inconsistent with many of the overall objectives of the Eastern Beaches Local Plan and specifically (as outlined in Division 14, 7.7.2) that:

- h) Emphasis is placed on the protection and retention of low cost accommodation consistent with maintaining a diversity of accommodation types for visitors to the locality;*
- g) (v) low rise Multiple housing development that is limited to the areas within the vicinity of the Sunshine Beach neighbourhood centre;*

This DA proposes only 20 visitor beds in the Hotel. It does propose a further 12 apartments designated as "multiple and visitor" which the developer proposes to make available for permanent residents although whether this on a lease or sale basis is unknown. All of the 88 beds in the "Multiple Housing" are proposed to be for permanent residents contrary to the Noosa Plan and the previous, now lapsed, approval.

PBCAI agrees with the comment in the Information Request at page 12 of 13 "the limited range of visitor accommodation proposed in conjunction with the primary use of the site for permanent residential living remains a significant concern."

This concern is increased by the fact that the commercial building, which the developer replaced with the IGA supermarket, provided 68 beds for visitor accommodation. Now this DA provides for less visitor accommodation on the entire site than was originally sanctioned by the Planning and Environment Court approval of 12 February 2010.

## 5.3 Developer's Acknowledgement of Non-compliance

**The developer does not dispute the DA's lack of compliance with the Noosa Plan.**

In the DA prepared by Adams & Sparkes the following comments appear:

Adams + Sparkes page 38 para 136

**5.5.1 Eastern Beached Locality Code 5.5.1.1 Inconsistent Land Use** – Specific Outcome O73 136. The proposed development **does not comply** with Specific Outcome O74 of the code, with **the proposed Visitor Accommodation (Type 4) and Multiple Housing (Type 4) not being a consistent land uses within the Open Space Recreational Zone.** (Highlighting added)

Adams + Sparkes page 41 para 145 states:

**5.5.1.2 Building Height – Probable Solution S4.1**

**“145. The proposed development generally complies with the preferred maximum building height of 8 metres specified within with code, with all detached units containing a maximum building height not exceeding 7 metres in height, when considered from the finished ground level. When considered from the Natural Ground Level, there are a number of roof forms associated with the detached Multiple Housing Units that exceed the 8 metre height limit, ... (Highlighting added)**

Adams + Sparkes page 42 para 151 states:

**5.5.1.3 Setbacks – Probable Solution S5.1**

**151. The proposed development does not comply with Specific Outcome S5.1 of the Eastern Beaches Locality Code, as the proposed development does not comply with Council’s preferred setbacks for development within the Open Space Recreation Zone, where adjoining land within a residential zone.** (Highlighting added)

Adams + Sparkes page 43 para 155 states:

**5.5.1.4 Site Cover, Gross Floor Area and Plot Ratio – Specific Outcome O6, O7 and O9**

**155. It is noted that there is no site cover, gross floor area or plot ratio limitations for development within the Open Space Recreational Zone. Despite this, the proposed development does not result in an overdevelopment of the site, with the proposed development resulting in a total site cover of 5,463m<sup>2</sup> (39%), total GFA of 9,232m<sup>2</sup> and 2,663m<sup>2</sup> (24%) of the site as planting area. It is noted that these calculations have been made based on the overall site area once the required land dedication included in the Court Order approval (Appeal 2587 of 2008) and the Shopping Centre approval (MCU13/0251) has being excluded.**

There are some omissions in the site cover calculations in the DA.  
Items missing are:

- Outbuildings including the pool pavilion and covered viewing platform (see definition below<sup>12</sup> - "includes roofed outbuildings")
- Stair and entry for the Reed Beach Houses

The Developer needs to resubmit the calculations incorporating omitted items because the overall site cover is listed as 39% in the DA but with them included it probably goes over the 40% level.

PBCAI notes that these "these calculations have been made based on the overall site area" and ignore the application for reconfiguration which results in 26 small house lots which range in size from 160 to 248M2. On that basis site cover, gross floor area or plot ratio are excessive and non-compliant.

Plot ratio<sup>13</sup> means the gross floor area divided by the area of the site. PBCAI submits that in calculating the Site Cover, Gross Floor Area and Plot Ratio each of these 26 housing lots need to individually examined and the results calculated.

Adams + Sparkes page 43 para 157 states:

*5.5.1.5 Effects of Use – Probable Solution S75.1 and Specific Outcome O76*

***157. The proposed development does not comply with Probable Solution S75.1 of the code, as the proposed development is not for a Caravan Park. (Highlighting added)***

*158. Despite this, the proposed development complies with Specific Outcome O75 of the code, as the development provides for low cost accommodation needs.*

PBCAI queries where it is proposed to provide this low cost accommodation in the development when the developer intends to sell the Houses in the

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<sup>12</sup> *Excerpt from Noosa Plan: "site cover means the proportion of a site covered by all buildings and structures shown as a percentage. For enclosed spaces this includes the area within the outside wall and for unenclosed spaces this includes the area measured along a line 600mm in from the perimeter of the roof. Site cover includes garages and other roofed outbuildings, but does not include landscape structures such as in-ground pools and decks."*

<sup>13</sup> See Noosa Plan page 2.27

housing estate for more than the documented median house price of \$695,000 in the Peregian Beach area.<sup>14</sup>

## **5.4 Summary**

**Despite the DA acknowledging all of these areas where the DA does not comply with the Noosa Plan, it does not provide sufficient grounds in the public interest to warrant the Noosa Plan being overridden and, therefore, the DA should be refused.**

PBCAI is concerned that Council staff have suggested that the proposed development should be “compatible to .....Eastern Beaches Locality Semi-Attached Housing Zone.....” (Issue 34 of the Information Request) given that the site is Open Space Recreation.

PBCAI has serious concerns about the density, site cover, gross floor area, planting area and plot ratio having regard to the limitations in the Specific Outcomes for the Eastern Beaches Locality (Semi-Attached Housing Zone). These calculations should be based on a site area which excludes the land dedication included in the Court Order approval (Appeal 25847 of 2008) but which does not exclude the land associated with the Shopping Centre approval.

## **6. Changes to the natural drainage and disturbance of the wetland system**

### **6.1 Established Creeks**

The site is affected by two established creeks. The first creek commences at a spring between Veggie Village and Rufous Street at Peregian Beach and flows to the north western corner of this site. The second commences in the wetlands and flows along the western boundary of the Di Hirst Oval, down the southern boundary and joins the first creek at the north western corner of this site<sup>15</sup>. The creeks then flow across the site from North to South and continue through the Noosa National Park Peregian Section until they eventually flow into Stummers Creek at Coolum.

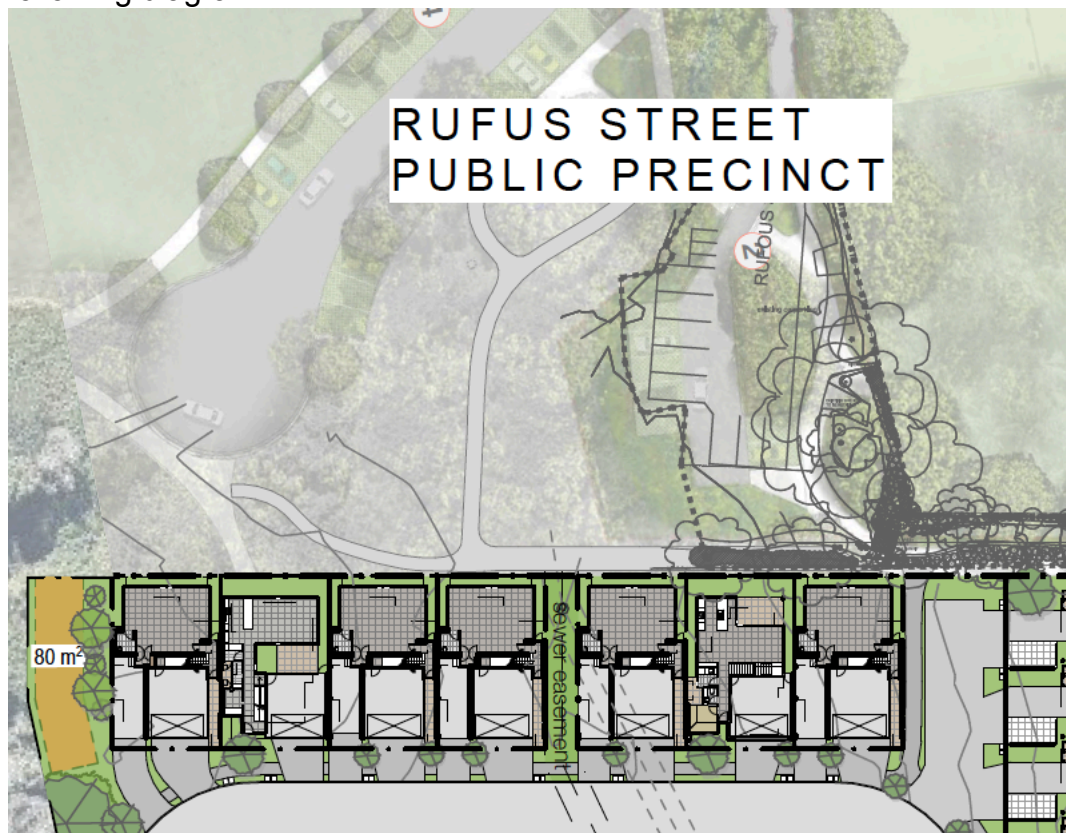
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<sup>14</sup> See Adams + Sparkes page 44 para 160. “Further, it is identified that there is a significant gap in the residential market within Peregian Beach, which has resulted in a high median house price of \$695,000. It is noted that this is 50% higher than the median house price for the Local Government Area (LGA) of the Sunshine Coast, 37% greater than the Gold Coast and 22% greater than the median for the Brisbane LGA”

<sup>15</sup> This creek is shown on the Vegetation Management Supporting Map published by the Queensland Department of Natural Resources and Mines 2017. The creek from Rufous Street is shorter and is not shown.

## 6.2 Lack of proper consideration in the DA

The DA not only ignores the creek and proposes to build over it but it also removes trees for a path at the Rufous Lane boundary as shown on the following diagram:



At least two if not three of the Houses to the left on the above diagram (Nos. 10-12) are on the bank of or in the bed of the creek which surprisingly, and conveniently, is not shown on the diagram.

The Covey Associates Pty Ltd Engineering Services Report of March 2017 states:

*“The interface with the western boundary to the Council reserve will require approximately 2.0m of fill to be placed. It is proposed that a rock filled gabion wall is constructed along this boundary to retain the fill material. The proposed retaining structure would be subject to Geotechnical investigation and advice to determine an appropriate design. The photograph below (Figure 6), illustrates the ‘swampy’ nature of the lower area of the site in the vicinity of the proposed gabion wall. Along the southern boundary with the Noosa National Park, a ‘fill’ wall of approximately 2.0m will be required. These walls will most likely be of a concrete sleeper, or similar, construction. This would continue the existing wall in-situ. Along the northern boundary, ‘fill’ walls of approximately 1.5m height will be required. These walls will most likely be of a concrete sleeper, or similar, construction.”*

The following photo shows the significance of the creek/watercourse which runs through the site behind the IGA supermarket.



*The building on the left is the IGA Supermarket and the fence is where the proposed access road will enter the site. The slope behind the IGA is where the Hotel is proposed to be built, with the access road passing in front on the right. Much of the ground in the foreground is very “springy” from being waterlogged and covered in mulch.*



The above photo of the relevant part of the **Vegetation Management Supporting Map** published by the Queensland Department of Natural Resources and Mines 2017 shows the second creek flows through the site. The one from Rufous Street is shorter and is not shown.

The superficial nature of the Covey Associates Pty Ltd Engineering Services Report does not identify the existence of the creek, which clearly flows

through the site from North to South, and will have an engineering related impact on any proposed development.



The above Google Earth aerial photo clearly shows the creek/watercourse running through the site behind the IGA supermarket where the developer plans to build the Hotel. The access road to the housing development is proposed to go farther to the west where the creek/watercourse runs. While the Engineering Services Report speaks of the 'Swampy' nature of the area it does not refer to the creek or watercourse. Likewise, it does not refer to the fact that the gabion wall and the road will be on the bank of or in the bed of the creek requiring footings to suit.

Division 14 – Overall outcomes for the Eastern Beaches Locality at 7.10 states:-

“Environment and cultural heritage values

**O10** There are no significant adverse effects on biodiversity, natural vegetation etc...including those related to-

- a) changes to natural drainage;
- b) ...
- c) disturbance of the ...wetland system;
- d) ...

### 6.3 Summary

The development, if approved, would result in changes to the natural drainage of the site and disturbance of the wetland system contrary to the Noosa Plan.

PBCAI submits that Noosa Council should refuse approval to develop under these circumstances.

## 7. Economic Needs Analysis

Urban Economics, on behalf of the developer, has provided an Economic Needs Analysis Report dated December 2016, which purports to address the “need” for short-term visitor accommodation in Peregrine Beach.

### 7.1 Visitor Accommodation vs. High Density Permanent Housing

However, the DA only proposes 20 visitor accommodation beds in the Hotel meaning a maximum of 40 persons. In addition, it proposes 4 x1 bedroom apartments and 8 x 2 bedroom apartments meaning a maximum of 40 persons. The developer proposes that these “apartments” could be occupied by permanent residents and for this reason proposes to strata title them.

On the other hand, Urban Economics tries to justify the high density housing estate by referring to downsizing. All of these 26 houses are either 3 or 4 bedrooms which hardly suggests "downsizing".

These 26 houses could provide accommodation for a maximum of 176 persons. If you add to this (176) the 40 permanent residents in the Hotel, the DA proposes accommodating a maximum of 216 permanent residents.

**This represents 16% short-term visitor accommodation and 83% permanent accommodation. (i.e. 40/256)**

Even if it is assumed that all 80 beds in the Hotel are for short-term visitor accommodation when compared to the 176 permanent residential beds in the housing estate this results in **31% short-term visitor accommodation and 69% permanent accommodation**.

Urban Economics does not identify this outcome or discuss it. It makes no serious attempt to justify this level of permanent residential accommodation.

## 7.2 Short Term Visitor Accommodation Only

The DA proposes a significantly different outcome from the Planning and Environment Court sanctioned approval of 12 February 2010 of the mediated agreement. It provided for short-term visitor accommodation for this site, which is in accordance with the Noosa Plan. It specifically stated, "the units shall not be used for the purpose of permanent residential accommodation".

Urban Economics mainly concentrates on the supposed need for short-term accommodation that "caters to the short-break and small travel groups" which clearly does not justify permanent residential houses.

In the DA prepared by Adams & Sparkes the following comments appear:

Adams + Sparkes page 44 para 159 states:

*159. ... quoting Urban Economics (Appendix 3), 'there is a gap in the provision of short-term accommodation facilities, other than family holiday facilities, in the centres of Noosa and Peregian Beach'.*

PBCAI submits that this does not justify permanent accommodation.

The previous approval referred to low cost visitor accommodation. Urban Economics does not raise the proposed selling prices for the permanent residential let alone try and justify them as "low cost".

## 7.3 Summary

This DA is predominantly for permanent housing, not visitor accommodation.

The Economic Report does not demonstrate the need for the style nor purpose of dwellings proposed in the DA. Nor does it demonstrate that there are any public interest grounds that would warrant approval of this DA.

## 8. Staging

The Sprout Architects Staging Plan shows that the developer proposes:-

- Stage 1 = Multiple Housing of 3 types
- Stage 2 = Hotel

Given the location of Stage 1 in a swampy area on the edge of a creek overlooking wetlands, at least 6 metres below and behind the Peregian Beach

Hotel to the east and the IGA supermarket to the south, the developer's suggested marketing of these houses at \$725,000 to \$850,000 must raise real doubts as to whether or not any of these houses will be built. This is especially the case if the developer requires a 60 percent pre-commitment before commencing construction. Council, of course, could not consider the proposed pricing of these houses as low cost or budget accommodation. While this is the developer's risk, it has a bearing on the risk of non-completion of the proposed Stage 2 with the visitor accommodation. The completion of Stage 2, which contains the developer's limited commitment to visitor accommodation, must be seriously doubted.

## 8.1 Summary

PBCAI asks that Council consider the sincerity and likelihood of the developer providing visitor accommodation when it is left to Stage 2 and the developer's record to date of having built no visitor accommodation since 2009.

**PBCAI urges Council to reject the application. However, in the unlikely event it was to be approved, we urge that the stages be reversed to ensure the provision of some short-term visitor accommodation.**

## 9. Engineer's report

### 9.1 Covey Engineers Report - Overview

PBCAI considers this to be a superficial document. The level of investigation, analysis and recommendations are inadequate for a development of this size and scale. For example:

- Flooding: The report states that there is no flood study and relies on water levels at Lake Weyba, over 2.5 kilometres away. Drainage paths through the surrounding area could cause substantial back up of rainwater during extreme events. The report does however state that substantial imported fill material would be required to raise the ground level of the site. A full, professional flood study would be essential if the development was allowed to proceed.
- Stormwater: the report refers to a separate SMP (Stormwater Management Plan), which PBCAI has not viewed, and to "treatment areas", which are not described. However, the report states "stormwater discharge will not cause an actionable nuisance". This is highly questionable. The stormwater discharge into the reserve and National Park are likely to be problematic during construction and after completion. During construction, contaminants in the imported fill material could leach into the natural water courses with impacts on flora and fauna. Post construction, the high proportion of hard, impermeable surfaces resulting from the density of the development, will result in large volumes of stormwater run-off compared to the current situation, where stormwater is absorbed into the natural areas within the site. The result of this would be higher flows in natural drainage channels and potentially increased erosion and flooding in the National Park.

## 9.2 Engineering Services Report – Page 5 in response to 2B

The report states:

*“There will be earthworks required to facilitate construction of stormwater treatment facilities, sanitary drainage and allow for an aesthetically pleasing and functional built form. There is little opportunity for fill material to be won on site therefore most of the fill material will need to be imported”.*

While the total amount of fill required does not seem to have been identified in the DA Figure 6 *“illustrates the ‘swampy’ nature of the lower area of the site in the vicinity of the proposed gabion wall”* and states that *“a fill wall of approximately 2.0m will be required”*.

PBCAI agrees with the comment at page 10 of 13 in the Information Request *“that the extent of filling of the site may need to be reduced.”*

The volume of loose (uncompacted) imported fill material required could be in the order of 25,000 cubic metres, constituting a major earthworks exercise. This could require a total of between 5,000 and 10,000 trips by 3 axle trucks. Assuming an earthworks construction duration of 3 months, this could give rise to up to 150 heavy vehicle trips per day (one heavy vehicle every 3 or 4 minutes during the working day) along the David Low Way, via Sandpiper Lane and on the access road to the IGA and the other shops. The impacts of this would include:

- Significant noise and disruption to homes along David Low Way and adjoining streets, the Peregrine Beach Hotel, the hardware store and the premises in the vicinity of the roundabout
- Substantial traffic congestion, noise pollution and safety issues at the Peregrine village roundabout
- Potential damage to the road pavement along David Low Way due to the high concentration of heavy vehicle axle loads.

The importation of fill will result in the creek, which seems to have been ignored in the DA, being diverted to run through the Council Reserve. Importation of such high volumes of fill material is likely to create significant problems of contamination in the adjacent reserve and wetlands.

## 9.3 Engineering Services Report – Page 7

PBCAI queries why water reticulation is proposed down the pedestrian access lane to the Peregrine Beach Sports Ground (Lot 75 on MCH839108) and a Unity Water meter is proposed at the Peregrine Beach Sports Ground boundary rather than on the developers property

PBCAI also queries why Electricity supply will be provided by “installing underground infrastructure down the Peregrine Sports Reserve access strip” rather than through the developers property.

PBCAI queries the contribution the developer will be required to make, if any, to the rectification of this pedestrian access and the extent of any delay in the lighting and development of this pedestrian access (Rufous Lane), which is supposedly underway at present.

## **9.4 Summary**

PBCAI considers the Engineering Report to be inadequate in respect to multiple issues including construction impacts, stormwater, flooding and location of services.

## **10. Traffic**

### **10.1 Increased Congestion**

The DA proposes Carparking & Visitor Carparking of 115 spaces in total  
 67 with the Houses & 37 with the Hotel  
 4 in the west of the centre of the ring road  
 4 on the southside of the ring road behind the IGA  
 3 outside the security gate of the Hotel.

This will result in an increase of 115 vehicles by the number of vehicular movements per day over Sandpiper Lane, increasing the use of the Peregrine Beach roundabout for vehicles going both north and south. This will add to the number of vehicular movements per day over Sandpiper Drive arising from the IGA Supermarket development without any enhancement of the ability of Sandpiper Lane to cope with the number of vehicular movements per day.

The David Low traffic at Sandpiper Lane and the Peregrine Beach roundabout is already very heavy and PBCAI questions the ability of this section of David Low Way to carry such an increase of traffic without creating serious problems to traffic flow and safety. Since completion of the IGA development, traffic congestion has materially increased at the roundabout, along the adjacent sections of David Low, in Heron Street and in the village in general. At peak times standing traffic queues form at all accesses to the roundabout with negative impacts on the amenity of the village. For example, at 1pm on Thursday 16 April 2017, the traffic was backed up for several hundred metres along the southern approach of the David Low Way, and down Heron Street into the village.

The addition of further traffic from the proposed development risks creating an accident black spot and a source of serious congestion that would be hard to mitigate in future.

PBCAI cannot understand why the Traffic Report does not address access out of the property, which includes the first stage of development, the IGA Supermarket carpark access on the site. The intersection inside the IGA Supermarket is already difficult and congested before it even gets out onto Sandpiper Lane or David Low Way.

## **10.2 Traffic modelling / forecasting**

This has proven historically to be very imprecise and inaccurate, particularly in recent years.

We note that the traffic report fails to take into account a fundamental cause of congestion: foot traffic using the pedestrian crossing across the David Low Way connecting the IGA and proposed development to the village. With the IGA open, these pedestrian movements have increased several fold and can cause congestion on both sides of David Low Way and grid lock at the roundabout. The impact on pedestrian movements if the proposed development were allowed to proceed would be dramatic. At peak periods the flow of pedestrians could be almost continuous, creating major safety issues and traffic mayhem.

## **10.3 Summary**

In view of the above, PBCAI submits that the traffic report is invalid and should be rejected. A new report would be required taking into account actual traffic post opening of the IGA, together with pedestrians.

# **11. Noise, Ecology, Water, Vistas, Pathways**

## **11.1 Noise**

The air-conditioning and refrigeration plant for the IGA mounted on the roof of the IGA store will be a source of noise for the residents of the Hotel. There will also be noise from the IGA loading dock.

The air-conditioning and refrigeration plant for the Peregrine Beach Hotel are mounted on the rear of the Hotel. This will be will be a source of noise for the residents of the Reed Houses where the ground level will be 6 metres below the ground level of the Peregrine Beach Hotel.

We note that the Specific Outcomes for the Visitor Mixed Use Zone in the Eastern Beaches Locality Plan (Division 19, Table 7.15) requires developers to ensure that business uses do not have any adverse impact on the amenity enjoyed by residents. Given the proximity of the residences proposed in this DA to the businesses that abut the site this requirement should be applied to this proposed development (as was proposed by Council and rejected by the applicant).

Table 7.15 extract

column 1 Specific Outcomes	column 2 Probable solutions
<b>7.25 Effects of use</b>	
<b>Amenity</b> <b>O46</b> Mixed-use development, incorporating <i>accommodation units</i> , is designed and operated to ensure Business Uses do not have any adverse impact on the amenity enjoyed by residents, including impacts associated with— a) visual and acoustic privacy; b) safety and security; and c) lighting.	<b>S46.1</b> Business deliveries are undertaken only between the hours of 7am to 7pm; AND <b>S46.2 Business uses</b> operate only between the hours of 7am to 10pm, 7 days a week, except Friday and Saturday where <b>Entertainment and dining business uses</b> may operate until 12:00 midnight

PBCAI considers that the developer should be required to submit a noise mitigation plan agreed between the Peregrine Beach Hotel and the developer with a formal commitment by each party to implement the plan, prior to any proposed development being considered by Council. The implementation of the plan is to be certified by a suitably qualified and independent acoustic consultant. It will be too late if Council approves the DA and the Peregrine Beach Hotel and the developer cannot reach agreement.

PBCAI submits that Council would be aware that it will be blamed for any excessive noise experienced by residents of the Reed Beach Houses from the Peregrine Beach Hotel, despite its prior existence when they purchased.

## 11.2 Ecology

The Visual Tree Report (VTA) states that Paperbark and Macaranga “ have no significance and do not need to be retained. “

PBCAI disagrees strongly with this position, believes that these trees must be retained and notes that these endemic species are prevalent along the west side of the David Low Way and in the Noosa National Park – Emu Swamp Section.

PBCAI also notes no reference in the DA to the planned disturbance of mandatory essential wetland habitat for the vulnerable Wallum Froglet, Wallum Rocketfrog, Wallum Sedgefrog nor the impact on wet heathland & sedgeplain inhabited locally by the Ground Parrot.

## 11.3 Water

PBCAI notes Council's request for further information.

As described under 9.1 above, PBCAI is concerned over the potential impact of run-off from major earthworks and other construction works in close proximity to the wetland reserve and the Noosa National Park –Emu Swamp Section and to the impact of changes to overland flow and natural water courses.

## 11.4 Vista from David Low Way

It appears that the Hotel will not obscure the vista of the western mountains from David Low Way but will significantly diminish the vista's foreground views

of the wetland & its intrinsic vegetation. This vista needs to be protected. The accommodation units will be behind and below the Peregrine Beach Hotel by about 6m and, therefore, will not be visible from David Low Way, but it is important that they do not exceed the height allowed under the Noosa Plan especially along Rufous Lane.

### **11.5 Pathway through the development**

It is proposed to provide a public pathway linking Rufous Lane with the IGA and the Hotel and through the Supermarket site to both Sandpiper Lane and David Low Way (via the lift). This pathway is desirable if the DA is approved.

However, the pathway through from Rufous Street to the Supermarket will be a sea of hard surfaces and garage doors with little or no street frontages for passive surveillance of the public thoroughfare. The pathway to the supermarket is concealed from view beside Reed Beach House No. 26.

### **11.6 Summary**

PBCAI considers that the lack of proper consideration of the above matters constitute a serious deficiency in the application and further grounds for it to be rejected.

## **12. Architectural and Associated Design Issues**

PBCAI notes a significant numbers of material issues with the architectural design.

### **12.1 The Reed Beach Houses - secondary dwelling units**

While PBCAI realizes that the developer has provided a physical linkage from each secondary dwelling to the main dwelling unit, the fact still remains that the secondary dwelling can be locked off and separately occupied. If this occurs the secondary dwelling will require a separate carpark, which will not be available if the present DA is approved.

Adams + Sparkes page 17 para 37 states:

*House Type 3 (the Reed Beach House) contains a Primary Dwelling and Secondary Dwelling, with the Primary Dwelling component including a kitchen, living, dining area and outdoor area on the ground level and 3 bedrooms (master with ensuite) and a bath room on the first level. The Secondary Dwelling component is located on the first level and utilises a secondary access point. The Secondary Dwelling includes a living area, kitchen and bathroom. Each of the Secondary Dwellings will be on the same title as the detached dwelling and will be less than 35m<sup>2</sup> in size.*

PBCAI submits that there is clear evidence that the Reed Beach Houses were always and still are meant to contain a Primary Dwelling and Secondary Dwelling and that the provision of an interconnecting door between the

Primary Dwelling and Secondary Dwelling does not alter this. The Secondary Dwelling is completely self-contained and has separate access.

PBCAI submits that these units should be required to have separate carpark for each Secondary Dwelling.

**Secondary dwelling** is defined in the Noosa Plan<sup>16</sup> and “means a dwelling used in conjunction with, and subordinate to, a detached house on the same lot. A secondary dwelling may be constructed under a detached house, be attached to a detached house or be free standing. For clarity a detached house could not include more than one secondary dwelling.”

**Self-contained** is defined in the Noosa Plan<sup>17</sup> and means containing at least a bathroom, toilet, kitchen and one habitable room. The Secondary dwellings here are self-contained and also have their own separate access. Even with an interconnecting door between the secondary dwelling and the detached house, the developer is seeking an approval so that the Reed Beach Houses can be occupied as two separate self-contained dwellings.

PBCAI submits that if any approval is granted the Secondary Dwelling should either be removed in its entirety or, at very least, the associated kitchen and living area should not be approved.

The current DA proposes that these Reed Beach Houses will be for permanent residents and with 2 persons sharing each of four bedrooms that could result in 80 permanent residents in the Reed Beach House alone.

As stated in the Information Request at page 9 of 13

*“The proposed land use is a substantial variation from that which has previously been approved on the site or is supported under the Open Space Recreation Zone. As the proposed style of development is more consistent with that expected to be found within the nearby Semi-Attached Housing Zone it is considered that the development should be compatible to both the Specific Outcomes and Probable Solutions for the Eastern Beaches Locality related to the Semi-Attached Housing Zone and the existing built form and established character within Peregrine Beach.*

In the opinion of PBCAI, the design for the Reed Beach Houses is upside down. The bedrooms should be on the ground floor and the living areas on the first floor. This would enable the living areas to have greater solar access and, if the secondary dwelling units are removed, give them the possibility of some outlook, which is not available with the current design.

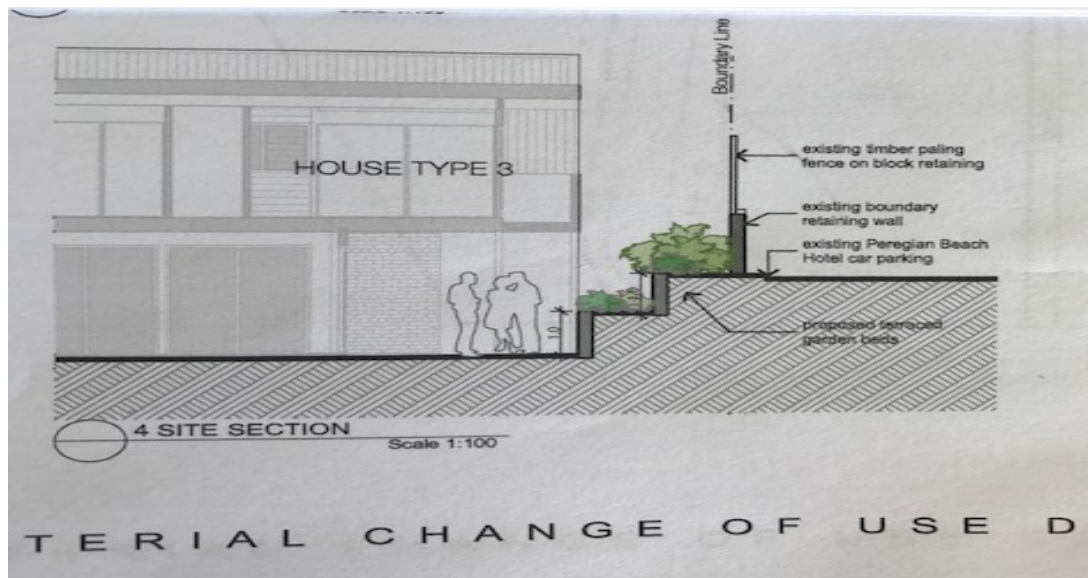
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<sup>16</sup> See Noosa Plan page 2.29

<sup>17</sup> See Noosa Plan page 2.30

Despite their lack of any outlook and with minimum solar access, the developer proposes to sell these Houses for \$850,000. Apparently, the noise from the Peregrine Beach Hotel and its refrigeration and air-conditioning plant is not expected to deter buyers.

The lack of outlook from the Reed Beach Houses is clear from the following diagram:



*This diagram from the Sprout Architects "Site sections" set of drawings shows the Reed Beach Houses 6m below and behind the Peregrine Beach Hotel.*

## 12.2 Building Heights and Retaining Walls

As a result of the proposed filling of the site both the Multiple Housing dwellings and Visitor Accommodation/Shared Housing building exceed the preferred maximum building height. Of particular concern is the height of the Hotel building and how this may affect vistas from David Low Way towards the National Park and Mount Cooroy. If the DA is approved, Council will need to specify the height of this building to ensure that the vista is maintained.

PBCAI notes that Council requested elevation profiles from all boundaries but that the Northern elevation from Rufous Lane was not provided. The Covey Report shows that on the Rufous Lane boundary it is proposed to install a 1.5m retaining wall. One Sprout Architects "Site sections" set of drawings does show a Wallum House next to Rufus (sic) Lane but does not show the 1.5m retaining wall at the boundary. It does show retaining walls on other boundaries.

This proposed development is in the Open Space Recreation Zone but the buildings are not to be used for an indoor sporting complex so under S4.1 the maximum height of the buildings is 8m.

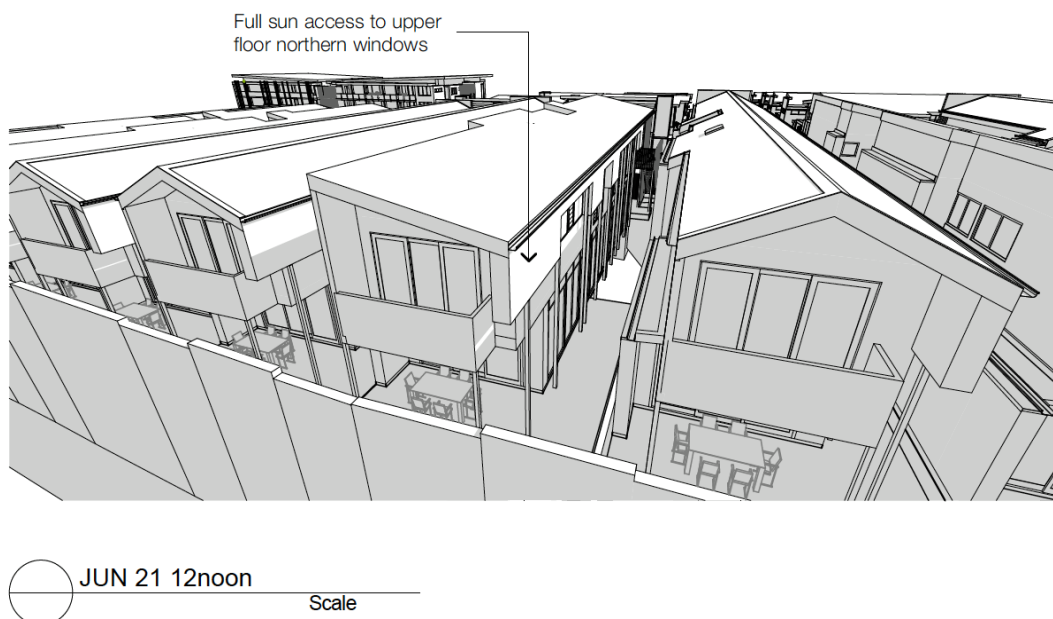
Sprout Architects Site Sections show a 12m height above natural ground level, especially for Lot 12, which would appear to be grossly excessive and non-compliant.

The building of retaining walls and houses on the bank of or bed of a creek will require more than just standard footings. This does not seem to have been considered in this DA, which ignores the existence of the creek/ watercourse.

The Wallum Houses proposed to be built along the Rufous Lane boundary will be on 1500mm of fill and will tower over the Lane and create a threatening tunnel effect for pedestrians in the Lane.

### 12.3 The Proposed density of the Housing Estate

PBCAI considers that the site coverage is excessive. This can be shown by the following diagram



*This diagram from Sprout Architects "Site sections" set of drawings shows the planned density of development on the site. These are the Reed Beach Houses planned for 6m below and behind the Peregrine Beach Hotel*

### 12.4 Setbacks

#### The Wallum Units

If they are proposed as Houses, PBCAI submits that they should they have the standard rear setback of 6m which would provide some respect for the public thoroughfare's tree lined character.

If they are proposed as partial Business Offices then PBCAI submits that they are only going to put more pressure on the Rufous street car parking for clients and displace the areas zoned for commercial areas.

## The Reed Beach Houses

Adams + Sparkes page 42 para 152 states:

### 5.5.1.3 Setbacks – Probable Solution S5.1

...

*152. It is noted that the proposed development only seeks a setback relaxation for the eastern boundary, adjoining the Peregrine Beach Hotel, with the development providing a setback of 3 metres, **which does not comply with Council's preferred setback between the Open Space Recreational Zone and the Semi-Attached Housing Zone of 10 metres.** Despite this, it is noted that the proposed Multiple Housing and Visitor Accommodation units is highly urban in nature and is reflective of development within the semi-attached housing zone or the attached housing zone rather than the Open Space Recreational Zone, and the proposed setback is not out of character for the proposed and existing land uses. (Highlighting added)*

PBCAI objects to this 7 metre relaxation as it will result in a dwelling 6 meters below and too close to the Peregrine Beach Hotel, with little or no landscaping.

PBCAI notes and agrees with the developer's Town Planning & Development Consultancy, Adams + Sparkes admission that ***"Despite this, it is noted that the proposed Multiple Housing and Visitor Accommodation units is (sic) highly urban in nature and is reflective of development within the semi-attached housing zone or the attached housing zone rather than the Open Space Recreational Zone"***.

## 12.5 Solar Access and Ventilation

PBCAI considers that the amount of solar access and ventilation is limited and inappropriate according to this analysis. The number of hours of solar access that these windows and open spaces will receive is not clear. The apparent inadequacy is caused by the developer's attempt to maximize the density and ground coverage of the site

## 12.6 Summary

PBCAI submits that the above issues are further proof of why this DA should not be approved for a site in the Open Space Recreational Zone.

**The proposed Multiple Housing and Visitor Accommodation units are highly urban in nature and this development is reflective of one within the semi-attached housing zone or the attached housing zone rather than the Open Space Recreational Zone and for that reason should be rejected.**

## 13. Land dedicated as a reserve

Adams + Sparkes page 41 para 143 states:

*“The proposed development retains and protects an area of 5,276m<sup>2</sup> for environment and conservation purposes. It is noted that this area was required to be dedicated as a reserve associated with Court Approval (Appeal 2587 of 2008). Despite this, the development has not been enacted upon and this development would replace the current Court Approval, should it be approved”*

Adams + Sparkes fail to point out that this land is not suitable for building on as it is wetland and on the other side of the creek which the developer has ignored.

PBCAI queries how many times the developer can dedicate land to Council in order to be given an approval without actually assigning it to Council? PBCAI also notes that dedicating this land to Council will to reduce the amount of rateable land.

#### **14. Relevant period of approval**

As described in Section 1, the first development application by this developer for this site was lodged in 2007 and it received the first approval for developing accommodation in 2010. Now in 2017, the developer is seeking another approval to build, not budget visitor accommodation but, in the main, permanent resident accommodation. In the intervening years, despite having approval the developer has not constructed any accommodation units on the site and has removed the 68 beds approved in the visitor hostel. The developer, therefore, since 2007, has deprived visitors to Peregrine Beach of the low cost visitor accommodation that the caravan park provided.

If Council were to approve this DA in any form, PBCAI requests that the period of approval be reasonable but as short as possible and that the staging be reversed to provide for the Hotel/Hostel to be exclusively for visitor accommodation with the possible exception of one or two manager/ caretaker's units.

PBCAI also requests that the developer be informed that the period of approval will not be extended and that permanent accommodation will never be permitted.

#### **15. Conclusion**

In summary the proposed development significantly conflicts with the Noosa Plan, for the following reasons:

- The DA proposes building on Open Space Recreational zoned land a development which is totally inconsistent in a multitude of ways with the Noosa Plan;

- The DA raises significant environmental concerns especially with regard to the watercourse and wetlands;
- the proposed development does not offer visitors the expected range of experiences and accommodation types expected for the land and the development is not consistent with Part 3 - Desired Environmental Outcome (j) Tourism;
- with respect to the Eastern Beaches Locality Code:
  - the proposed development **does not protect and retain low cost accommodation** consistent with maintaining a diversity of accommodation types for visitors to the locality and therefore is not consistent with overall outcome (h);
  - the proposed development **does not provide for Visitor Accommodation Type 4 Conventional** to be located in close proximity to the Peregrine Neighbourhood Centre and therefore is not consistent with overall outcome (t)(ii);
  - the proposed development being located within the Open Space Recreation Zone does not contribute to the desired lifestyle of residents because it **does not offer a variety of passive and active recreational experiences** that are conducive to community interaction and wellbeing and therefore is not consistent with overall outcome (bb);
  - the proposed development **seeks to provide a small lot housing development and in particular, Multiple Housing Type 4 – Conventional, which is not a consistent use in the Open Space Recreation Zone** and therefore is not consistent with performance outcome O73;
  - the proposed development seeks to provide Visitor Accommodation Type 4, but not in association with Visitor Accommodation Type 2, and therefore is not consistent with the Open Space Recreation Zone and therefore is not consistent with performance outcome O74;
  - The proposed development **does not protect the Peregrine Beach caravan park site for low cost visitor accommodation** and therefore is not consistent with performance outcome O75;
  - Visitor Accommodation Type 4 is being proposed on the land, but **is not integrated as part of a caravan park use or other form of budget accommodation** and therefore is not consistent with performance outcome O76;
  - Will interfere with the creeks that run through the property and therefore is in conflict with Eastern Beaches Locality Division 15, Table 7.10
  - The proposed development **will result in significant traffic generation** that will affect nearby uses and is not consistent with performance outcome O77;
  - **The proposed buildings and structures are not designed and sited to be attractive, comfortable and accessible to the public or provide suitable landscape treatments and amenities, conducive to community interaction and**

**convenience and public safety** and therefore is not consistent with performance outcome O78;

- The proposed development is **not consistent with the reasonable expectations of residents in the locality, given the Peregrine Beach Caravan site is to primarily provide for budget visitor accommodation, which is in the public interest;**
- There are **no grounds provided that are sufficient to overcome the level of conflict identified with the Noosa Plan.**

For all of the above reasons PBCAI urges Council to uphold the Noosa Plan and refuse this DA and the application to reconfigure the 1 lot into 29 lots.