AGENDA

General Committee Meeting

Monday, 28 April 2014

commencing at 10am

Council Chambers, 9 Pelican Street, Tewantin

Committee: Crs Tony Wellington (Chair), Bob Abbot, Sandy Bolton, Joe Jurisevic, Frank Pardon, Noel Playford, Frank Wilkie
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SUBJECT</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>ATTENDANCE &amp; APOLOGIES</strong></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>PRESENTATIONS</strong></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>ITEMS REFERRED FROM INFRASTRUCTURE &amp; SERVICES COMMITTEE</strong></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>ITEMS REFERRED FROM PLANNING &amp; ORGANISATION COMMITTEE</strong></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>REPORTS TO GENERAL COMMITTEE</strong></td>
<td>4</td>
</tr>
<tr>
<td>1.</td>
<td>WASTE STRATEGY OPTIONS DEVELOPMENT – PROJECT PLAN</td>
<td>4</td>
</tr>
<tr>
<td>2.</td>
<td>PRE-RESPONSE REQUEST TO CHANGE CONDITIONS OF PLANNING &amp; ENVIRONMENT COURT ORDER (318/2008) FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESOURCE BASED SPRING WATER BOTTLING PLANT (COOROY MOUNTAIN SPRING WATER) AT 314 COOROY MOUNTAIN RD, COOROY MOUNTAIN</td>
<td>26</td>
</tr>
<tr>
<td>3.</td>
<td>APPLICATION FOR AN EXTENSION TO RELEVANT PERIOD FOR 26 MULTIPLE DWELLING UNITS &amp; AN ACCOMMODATION BUILDING FOR 12 UNITS, SITUATED AT 27 ATTUNGA HEIGHTS, NOOSA HEADS</td>
<td>49</td>
</tr>
<tr>
<td>4.</td>
<td>APPLICATION FOR MATERIAL CHANGE OF USE – SERVICE AND UTILITY TYPE 3 (TOWER), SITUATED AT 153 LAKE FLAT ROAD, BOREEN POINT</td>
<td>65</td>
</tr>
<tr>
<td>5.</td>
<td>APPLICATION FOR AN EXTENSION TO OPERATIONAL WORKS PERMIT FOR PRESCRIBED TIDAL WORKS – EXTENSIONS OF PONTOONS FOR MOORINGS</td>
<td>76</td>
</tr>
<tr>
<td>6.</td>
<td>COUNCIL POLICY – NAMING OF ROADS, PARKS, COMMUNITY INFRASTRUCTURE &amp; STREET NUMBERING</td>
<td>84</td>
</tr>
<tr>
<td>7.</td>
<td>ACCOMMODATING RECREATIONAL VEHICLES AND CAMPING IN NOOSA</td>
<td>89</td>
</tr>
<tr>
<td>8.</td>
<td>INVITATION TO JOIN THE SUNSHINE COAST RIVERS INITIATIVE</td>
<td>101</td>
</tr>
<tr>
<td>9.</td>
<td>POLICE BEAT – PROPOSED NEW 5 YEAR LEASE</td>
<td>105</td>
</tr>
<tr>
<td>10.</td>
<td>EXPRESSION OF INTEREST FOR LEASE AT 4 JARRAH ST COOROY</td>
<td>108</td>
</tr>
<tr>
<td>11.</td>
<td>SHOP 6 SUNRISE NEIGHBOURHOOD SHOPPING CENTRE – 2 X 5 YEAR LEASE AGREEMENT</td>
<td>111</td>
</tr>
<tr>
<td>12.</td>
<td>COMMERCIAL USE OF COMMUNITY LAND POLICY</td>
<td>114</td>
</tr>
<tr>
<td>13.</td>
<td>FINANCIAL PERFORMANCE – MARCH 2014</td>
<td>122</td>
</tr>
<tr>
<td>14.</td>
<td>QUARTERLY OPERATIONAL PLAN PROGRESS REPORT</td>
<td>128</td>
</tr>
<tr>
<td>15.</td>
<td>STANDING ORDERS FOR COUNCIL MEETINGS</td>
<td>177</td>
</tr>
<tr>
<td>16.</td>
<td>CHANGE OF VENUE FOR COUNCIL MEETINGS</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td><strong>CONFIDENTIAL SESSION</strong></td>
<td>200</td>
</tr>
</tbody>
</table>
ATTENDANCE & APOLOGIES

PRESENTATIONS

10am  “Bang The Table” Community Engagement Online System
      Ray Scanlan (presenter);
      Overview of suite of sophisticated feedback tools, communications and information resources in one platform gathering rich qualitative and quantitative feedback to improve real time decision-making.

10.45am Waste Strategy
      Ian Christesen, Lloyd Consulting (presenter);
      Council has commenced the development of a Waste Strategy and Lloyd consulting have produced a Waste Management Scoping Study and Project Plan as the initial stage of the process. An overview of the work will be provided.

ITEMS REFERRED FROM INFRASTRUCTURE & SERVICES COMMITTEE
      Nil.

ITEMS REFERRED FROM PLANNING & ORGANISATION COMMITTEE
      Nil.
REPORTS TO GENERAL COMMITTEE

1. WASTE STRATEGY OPTIONS DEVELOPMENT – PROJECT PLAN

Author          Manager Waste and Environmental Health, Wayne Schafer  
Community Services

Index           ECM/Subject/Waste Management

Attachment 1. Noosa Council Waste Options Development Project Plan

RECOMMENDATION

That Council note the report from the Manager Waste and Environmental Health to the General Committee Meeting dated 28 April 2014 and

A. Note the report from Lloyd Consulting titled “Noosa Council Waste Options Development Project Plan”; and

B. Authorise the CEO to release a tender and engage a suitable consultant to investigate and report on the themes identified in report by Lloyd Consulting.

REPORT


Following a Council workshop with the Consultant on 11 March 2014, Council decided to develop a Waste Strategy for Noosa titled “Towards Zero Waste”, based on the staged approach which is summarised below:

Part 1 Options Development
- Identification of waste management themes and options for further consideration and investigation (the current stage under consideration in this report)
- Detailed assessment of waste management options (to be tendered in the next stage of the development of the waste strategy)
- Council and community consultation/consideration of options.

Part 2 Waste Strategy and Action Plan
- Development of an agreed Waste Strategy and an action plan based on selected options following community consultation.

Lloyd Consulting has examined Council’s current waste operations and identified 5 themes and a number of options which are recommended for further investigation, (as detailed in Attachment 1).

Subject to Council agreeing with the themes identified for further investigation, the next step is to call a tender for detailed investigation and costing on the identified options.

Following this detailed analysis it is planned that Council will engage with the community in a discussion on their preferred Waste Strategy outcomes considering the costs involved. Following this community consultation the Waste Strategy document and action plan will then be completed.

Ian Christesen from Lloyd Consulting will be attending the Council General Committee meeting 28 April 2014 to present and discuss the themes in more detail.
Previous Council Consideration
18 February 2014 – Presentation to Councillors, staff and Lloyd Consulting by Umur Natus-Yildiz from LGIS on alternative waste management approaches.

11 March 2014 - Councillors and staff attended a Waste Strategy Workshop with Lloyd Consulting.

20 March 2014 - Draft Options circulated to Councillors and staff for comment as a preliminary step in the development of themes for further development in Stage 2 of the Waste Strategy development.

Finance & Risk
There is no significant financial risk associated with this report. Budget costs for this report are contained in the current 2013/14 budget.

The next step in the Waste Strategy development involves a further consultancy to explore the identified themes for further investigation, development and costing.

A budget of $150,000 has been assigned in the draft 2014/15 Waste Management budget for completion of this consultancy.

The funding allocation will also enable staff to undertake concurrent investigations to provide supporting information to the consultants such as waste contamination levels in wheelie bins, trial collection services for glass in commercial areas, undertake water quality investigations at the landfill and the potential environmental impacts of future strategic initiatives.

No funds have been allocated to community consultation from the waste budget.

Consultation

External Consultation - Community & Stakeholder
No external consultation has been undertaken at this time as the consultants brief was to identify external stakeholders to be consulted later in the process of developing the Waste Strategy.

Internal Consultation
A draft copy of the consultant’s report was circulated to Councillors and senior staff for comment 20 March 2014.

Departments/Sections Consulted:

- [x] Community Services
  - Disaster Management & Public Order
  - Waste & Environmental Health
  - Community Facilities
  - Cultural Facilities

- Planning & Infrastructure
  - Building & Plumbing Services
  - DA Planning
  - Strategic Land Use Planning
  - Asset Design & Investigations
  - Asset Planning
  - Civil Operations
  - Environment

- [x] Executive Office
  - Community Engagement
  - Customer Service
  - Executive Support
  - Governance
  - Human Resources

- [x] Corporate Services
  - Finance
  - ICT
  - Procurement & Fleet
  - Property & Facilities
  - Revenue Services
REPORT

Noosa Council
Waste Options Development
Project Plan

Prepared for: Noosa Council
Document No.: 13-889-R-003-B
Date: 23/04/2014
# DISTRIBUTION

**Noosa Council Waste Options Development Project Plan**

## DOCUMENT HISTORY AND STATUS

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<th>Status</th>
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<td>Final</td>
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## DISTRIBUTION OF COPIES

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<th>Revision</th>
<th>Format</th>
<th>Issued To</th>
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Ian Christesen  
Project Manager

Trevor Lloyd  
Director
# CONTENTS

1. **INTRODUCTION** ................................................................................................................................. 1
   1.1 Context .................................................................................................................................................. 1
   1.2 Towards Zero Waste Strategy ............................................................................................................... 2
   1.3 Scope of Project Plan ............................................................................................................................. 3

2. **THEMES FOR OPTIONS DEVELOPMENT** ....................................................................................... 4
   2.1 Theme 1 Waste Avoidance .................................................................................................................... 4
      2.1.1 Tasks ............................................................................................................................................... 5
   2.2 Theme 2: Organic Waste ......................................................................................................................... 5
      2.2.1 Tasks ............................................................................................................................................... 7
   2.3 Theme 3: Recycling ................................................................................................................................. 8
      2.3.1 Tasks ............................................................................................................................................... 9
   2.4 Theme 4: Commercial Waste .................................................................................................................. 9
      2.4.1 Tasks .............................................................................................................................................. 10
   2.5 Theme 5: Fees and Charges .................................................................................................................. 10
      2.5.1 Tasks ............................................................................................................................................ 10

3. **PROJECT MANAGEMENT AND DELIVERY** ...................................................................................... 11
   3.1 Deliverables ......................................................................................................................................... 11
   3.2 Project Timeline ................................................................................................................................... 12
   3.3 Project Stakeholders ............................................................................................................................. 13
   3.4 Project Reporting ................................................................................................................................. 13
   3.5 Project Team ....................................................................................................................................... 13
   3.6 Health, Safety, Environment and Community .................................................................................... 13

4. **RELATED STUDIES REPORTS AND REFERENCES** ........................................................................... 14
   4.1 New Audits and Reports ...................................................................................................................... 14
      4.1.1 Waste Audit Programs ................................................................................................................... 14
      4.1.2 Eumundi Rd Recycling & Disposal Facility Technical Review & Improvement Program ............ 14
   4.2 Existing Waste Audits and Background Information ........................................................................ 15
   4.3 NC Waste Management Scoping Study May 2014 ......................................................................... 15
   4.4 Current Noosa Waste Facilities ......................................................................................................... 16
1 INTRODUCTION

1.1 Context

Noosa Council (NC) is in the process of establishing key management strategies and systems that reflect Council’s values and principles across all areas of responsibility. Effective and efficient waste management is the subject of one of these key strategies.

Noosa prides itself as an environmentally responsible destination. The Noosa Council area is a UNESCO listed Biosphere Reserve. Future waste management practices must strive to be economically and environmentally sustainable in accordance with the principles embodied in the Biosphere listing. To this end, NC is developing a ‘Towards Zero Waste’ Strategy (the Strategy).

Council currently operates the Eumundi Road Recycling and Disposal Facility as well as smaller transfer stations at Cooroy and Pomona townships. Landfill operations were first established at the Eumundi Road site in 1984. The site is located in an area considered suitable for landfill cell construction but is surrounded by areas of potentially significant environmental value.

Key outcomes of the Strategy will, therefore, include the aim to achieve a significant reduction in the volume of waste sent for disposal at the Eumundi Road site and to ensure that any future waste materials disposed of at the site have a low risk of environmental impact. The waste hierarchy will guide strategic actions, with suitable resources allocated to the priority areas of waste avoidance and reduction.
To achieve these key outcomes, the Strategy will need to drive significant improvements in waste avoidance and reduction, as well as improving waste recycling rates and implementing cost effective waste treatment methods. It is expected that these outcomes will only be achieved through significant and sustained community education and involvement.

In order to develop the Strategy, options for achieving these key outcomes need to be identified and characterised, including cost benefit analyses. The most suitable options can then be selected by Council and the community for inclusion in the Strategy. Options will need to be capable of being delivered over the Strategy's intended five year period 2015 – 2020.

1.2 Towards Zero Waste Strategy

NC has identified the goals of the Strategy as follows:

1. Significantly improved waste avoidance through effective community education and engagement.
2. Implementation of leading waste management practices in accordance with Biosphere principles.
3. Innovative and cost effective service delivery including enhancement and support of local businesses.
To ensure an effective and measured (fact-based) development of the Strategy, NC has requested a two-part process:

Part 1 (Options Development)

- Identification and assessment of waste management options (i.e. waste practices, policies and activities), including cost benefit analysis, to deliver Strategy goals
- Council and community consultation/consideration of options

Part 2 (Waste Strategy and Action Plan)

- Development of agreed Waste Strategy and an Action Plan based on selected options

1.3 Scope of Project Plan

The present Options Development Project Plan (Project Plan) is limited to Part 1 of the methodology for strategy development.

The Project Plan is intended to provide a framework for the assessment and selection of a best value solution for the management of waste in the Noosa Council (NC) area. The Project Plan presents priority ‘themes’ and associated options, which have been identified in consultation with Council, and which should form the focus of the options development phase. In addition, the Project Plan indicates NC’s preferred approach to management (timeframes, reporting, principles, procedures, etc.) of the options development process. Effectively, the Project Plan presents a brief for those tasked with Part 1 of the Waste Strategy preparation.
2 THEMES FOR OPTIONS DEVELOPMENT

NC identified a number of 'themes' for priority focus in the Strategy. Through consultation with Council, and review of current waste management practices and available reports, specific tasks have been highlighted under each theme to guide the development of waste management options for assessment.

The following section outlines each of the themes and identified tasks, drawing on discussions, research, and a workshop with Council. The party (i.e. consultant) tasked with the options development and assessment would be expected to prepare a methodology for addressing each task (and any other tasks identified as critical to the successful delivery of the Strategy), and selecting appropriate options for appraisal.

2.1 Theme 1 Waste Avoidance

*Identification and assessment of options to achieve improved waste avoidance through community education and engagement*

**Background**: Community engagement and education is an essential element in providing understanding and support for improvements in the way waste is dealt with. Community education can range from simply providing information on what and how to recycle through to engaging with the community and business to tackle the more difficult and important issue of waste avoidance. To tackle community education on waste from the top of the waste hierarchy can provide a cost effective outcome in reducing the volumes of waste collected, treated and disposed of and extending the life of landfill.

Noosa has four distinct target areas for community education:

1. The general domestic ratepayer
2. Business and industry (in particular high volume generators such as restaurants, aged care facilities and hospitals)
3. Construction and demolition industry
4. Tourist transient population

Presently Council engages EnviroCom (JJ Richards) to provide information via school-based programmes on recycling and waste.
The community and business can be engaged in understanding and deciding on options for waste management improvement especially where there is an additional cost which would be imposed on the ratepayers. Residents are sometimes prepared to pay for improved service if they understand the economic and environmental benefits that will be achieved.

Behavioural change campaigns are often unsuccessful unless they are well resourced and targeted. Community based social marketing techniques have been proven to be successful in delivering behavioural change.

Education campaigns can be specifically aimed at the options that Council determines are its priority. For example if Council wants to reduce the organic stream to landfill this may become the initial focus of a comprehensive and cohesive campaign. The “Love Food Hate Waste” successful campaign in the UK and in NSW could be examined as a model.

The methods for funding education programs need to be examined, and their respective implications. For example, should waste reduction education be partially funded through the waste contractor, or from council revenue?

Possibilities should also be explored for collaboration at State Government and regional levels to facilitate cost benefits through larger scale education programs using media such as television, radio and publications.

2.1.1 Tasks

Identify and assess options to achieve improved waste avoidance and recycling through community education and engagement. Options considered should draw on models of successful community education and engagement campaigns both in Australia and overseas.

2.2 Theme 2: Organic Waste

Identification and assessment of options for reduction of organic waste going to landfill

Background: Green waste (i.e. garden materials) and food waste account for approximately 50% (food waste: 27%; green waste: 22%) of the domestic waste stream going to landfill in NC. No data is presently available on the proportion of commercial organic waste presently going to landfill.
NC offers a voluntary green waste collection service, with fortnightly collection of 240-L wheelie bins for an annual fee of $75. To date, the service has had minimal subscription (in excess of 3,000 households participating currently). There is no data available for the number of households in NC area treating organic waste in-situ, through home-composting systems. However, anecdotal evidence suggests a reasonable level of home-composting activity in the region. NC may give consideration to a mandatory domestic collection service for green waste, possibly in combination with food waste, in urban Council areas, if there was community support and if a cost-benefit analysis proved beneficial. However, concerns have been raised regarding the potential impact of a mandatory system on home composting activity.

Sunshine Coast Regional Council conducted an organics collection trial in Pererian Springs and Cooroy. The voluntary opt in trial was conducted on only single occupancy residential properties in the new housing estate of Pererian Springs (participation 251 households) and the established housing of Cooroy (participation 220 households). Approximately 20% participants opted out of the trial.

A weekly collection of combined garden and food organics was undertaken. Participants were provided with a 240 L green lid bin, an aerated kitchen tidy and 6 months' supply of compostable bags.

Organics collection per delivered bin yielded:

- 9.5 kg per week Pererian Springs
- 6.2 kg per week in Cooroy.

Garden organics comprised between 85% and 92% of all materials collected in the organics bin;

Waste made up between 7% and 15%. The detail of the trial results are in The Sunshine Coast Organics Collection Trial Summary Report February 2012 – The Organic Force.

If food waste were to be added to green waste and processed at the Eumundi landfill a new environmental licence ERA 53 Composting and Soil Conditioner Manufacturing, would be required. A purpose built facility would need to be readily and cost effectively established.

It should be noted that NC intends to pursue a technical review of various aspects of the Eumundi Road Landfill, including assessing any discharge issue from existing organic waste processing operations at the site. Options that may change these operations could adversely or beneficially impact on a discharge issue.
Presently Council has a contract with ARG on Eumundi Rd landfill for the processing/mulching of garden and wood waste. Negotiations are presently underway for a 1 plus 3 year extension and this provides an opportunity for Council to improve the present system. It is recommended that Council ensure flexibility in any contracts entered into as depending on the options that Council chooses volumes of green waste may significantly increase and or the addition of food waste processing may also be required.

Council’s Parks and Gardens purchase soil blends and mulches externally however understanding their specific needs could allow this internal market to be supplied. Also, presently, coarse mulch is given free to ratepayers and fine double grind sold for $20/m3. There is no verification that the material has been pasteurised to ensure that weed spread will not occur from the material. In negotiations with ARG options for mulch and compost to meet AS 4454 (Composts soil conditioners and mulches) and AS 4419 (Soils for Landscaping and Garden Use) should be pursued. This will give greater confidence in the mulch material provided to ratepayers and improve potential revenue by opening up more market opportunities.

2.2.1 Tasks

- Identify and assess options for decreasing the domestic organic fraction (green and kitchen) waste going to landfill, such as:
  - Raising awareness through targeted education campaigns.
  - Extending the present voluntary green waste collection service, including the option of including food waste. Both voluntary and mandatory options could be examined. Where food and green waste are collected, appropriate treatment options must also be considered.
  - Increasing the rate of home composting/mulching and other at source treatment processes for food and garden waste.
- Identify and assess options for options for decreasing the amount of commercial organic waste (larger point source generators including from major restaurant precincts) going to landfill;
- Identify and assess options for reducing Council-generated green waste sent to landfill, and creating a soil amendment/compost product usable by Council staff for parks, etc.; and
- Identify and assess options for increasing the standard and market for mulch produced at Eumundi Road Landfill.
2.3 Theme 3: Recycling

*Identification and Assessment of Options for Improving Recycling Rates*

**Background:** Over 20% of material in the average NC domestic waste bin could be easily recycled using the existing recycling bin service. Council presently has in excess of 25,000 weekly domestic waste collections at approximately 15kg per household per week being collected and disposed in landfill. With 20% of the domestic waste bin comprising recyclables, this equates to 75 tonnes of potentially recyclable material being landfilled each week or almost 4,000 tonnes a year.

No waste audit has occurred in Noosa of domestic recycling; however, an audit at Caloundra commissioned by SCC, *Assessment of Commingled Recycling Segregation and Visual Method Development – May 2013 EnviroCom* revealed only 65% of the contents of the recycling bin could be recycled. Streams not recycled included 2% of material which was bagged, 14% Glass fines <25mm 8% other fines <25mm.

An audit of commercial recycling bins *Sunshine Coast Commercial Recycling Assessment – January 2011 SCC (EnviroCom)* showed a contamination rate of 6.57%, and process loss rate of 18.68%. The predominant recyclable material categories were: Recyclable Paper 56.3%, Corrugated Cardboard 33.3%, Newspaper 9.6% and Magazines 7.5%. Materials which are potentially recyclable but are unable to be recycled include glass fines, encased/bagged materials, and un-sortable material less than 25mm in diameter.

Present commercial recycling services for Noosa Council are:

- Commercial 240 litre Waste Bin – 4000
- 1.0m³ Bulk Bin – 36
- 2m³ Bulk Bin – 12
- 3m³ Bulk Bin – 214
- Commercial 240 litre Recycling Bin – 1265
- Bulk 1100 litre Recycling Bin – 254

(Note: These are services per week as some areas such as Hastings St and possibly other areas have anything up to daily pickups).

Hastings Street and some other high-density commercial districts are constrained in the ability to locate bins on-site, require multiple services, and have conflict with nearby tourist accommodation from truck movements and the noise arising from early morning collection services.
2.3.1 Tasks

For improving recycling rates including:

- Identification and assessment of options for improved commercial recycling including the opportunity for a “boutique” collection service in high volume areas such as Hastings Street.
- Options for decreasing the level of domestic recycling materials in the general waste bin, and improving correct participation in domestic recycling service.

2.4 Theme 4: Commercial Waste

_Identification of options for management of commercial waste including review of Council’s collection service_

**Background:** Traditionally Queensland Councils have a legislated obligation to manage the collection and disposal of the residential domestic waste. Private contractors usually are involved in providing waste collection services to the commercial sector.

NC uses its contractor Cleanaway to undertake the commercial waste and recycling operations.

NC has a monopoly in providing a commercial service but is coming under increasing pressure to open up the commercial waste streams to the private operators.

Having a monopoly on the commercial system Council has an obligation to ensure it is operating at a best practice standard.

The provision of commercial waste services by private operators may have some benefits for business. There could be potential for an increase in waste collection truck movements with multiple providers in the market. Presently Council provides an equivalent sized commercial recycling bin for every general waste bin serviced. There could be an increase in business not participating in recycling due to cost.

This would need to be balanced by the standard of service council presently provides in comparison to “best practice”. This could include the provision of waste avoidance and reduction advice.

2.4.1 Tasks

Identify and assess potential arrangements for the provision of waste and recycling services to the commercial sector in NC, with particular consideration for possible financial/other impacts on Council of removing the control of the commercial waste and recycling contracts from Council and allowing competition from private waste contractors. Alternative arrangements should also focus on improving commercial recycling rates and reducing overall waste quantities.
2.5 Theme 5: Fees and Charges

*Examination of options for alternative fees and charges structures*

**Background:** NC provides a kerbside waste and recycling collection service to specific, predominantly urban residential areas. Some 350 rural households do not receive a kerbside service. Presently Council residents who do not receive a kerbside service are not required to pay rates for waste management. However, the waste management component of NC’s rates provides funding for the operation of three transfer stations, the Eumundi Road Landfill, public place waste and recycling services, street cleaning, the policing and enforcement of illegal dumping and community education on waste reduction. All NC area residents benefit from these facilities and activities, regardless of whether they receive a kerbside service, and should contribute to their provision.

Previously NC levied a fee on rural properties not receiving a service and a disc was provided which allowed a number of free visits to transfer stations.

For example, Gympie Regional Council applies an alternative waste charge in the form of an annual $85 “Waste Management Charge” on all properties vacant and developed. The charge is collected to cover Council costs for capping and closure of old landfills and upgrades or establishment of transfer stations. In addition, properties not serviced by a kerbside collection pay an annual “Waste Management Operations Charge” of $230.

Further, Council presently undercharges full cost disposal fees on the dumping of small loads. NC is aware that gate fees charged for trailer loads of waste disposed of at transfer stations do not cover the full cost for disposal.

Fees and charges should be equitable, based on the true cost of services provided and encourage waste avoidance and recycling.

**2.5.1 Tasks**

- Examine the present fees and charges as they relate to cost recovery and equitability for the provision of the range of waste services.
- Examine the use of benefitted rates areas for providing an increased level of service to specific locations/customers.
- Identify and assess options for alternative fees and charges structures, which improve equitability across the NC population and promote waste avoidance and recycling.
3 PROJECT MANAGEMENT AND DELIVERY

3.1 Deliverables

NC is seeking a robust, documented process for the development of its Strategy, which can be provided for internal and public scrutiny. To this end, Council requires the following deliverables for Part 1 of the Strategy development:

- A long list of options addressing the themes and tasks identified by NC;
- A short list of options (nominally three) to be assessed, which are selected in consultation with Council (the process by which the short list is derived from the long list must be clearly documented);
- A set of assessment criteria, agreed in consultation with Council;
- An assessment methodology approved by Council;
- An Options Development report (draft followed by final version) documenting the process and results of the Options Assessment including any significant perceived risks and issues associated with options, and providing a thorough description of the final preferred options selected by Council, including justification for their inclusion in the Strategy.

The final Options Development report should provide sufficient detail to enable Council to produce a Strategy document and Action Plan.
3.2 Project Timeline

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Project Management and Delivery | Lloyd Consulting
3.3 Project Stakeholders

NC requires consultation and engagement with key stakeholders to develop the waste strategy options. All members of the Noosa area community are impacted by waste management, and should be offered the opportunity to take ownership of the Strategy. Key stakeholders of the project include:

- Council staff — both managerial and operational (particularly Environmental Services, Waste Services, Civil Operations, Parks and Roads, etc.);
- Mayor and Councillors;
- Residents (households);
- Local businesses;
- Community groups (i.e. community gardens, Permaculture Noosa, Sporting and recreational clubs, Noosa Residents Association, Noosa Biosphere, Noosa Integrated Catchment Association (NICA), charities and Brite Side Industries);
- Neighbouring Councils; and
- State and Federal Governments.

3.4 Project Reporting

NC wishes to remain involved in the Strategy development process, and ensure consistent progress throughout the project. Monthly reports from the party tasked with delivering Part 1 will provide an updated Project Schedule, if required, identify issues to be resolved and highlight the achievement or delay of any key milestones. Project progress reports will also outline learning’s / decisions made throughout the Project and highlight any proposed changes to Project scope or deliverables.

3.1 Project Team

NC is seeking a suitable qualified professional (or organisation) to undertake Part 1 of the Strategy development. Applicants for the job must therefore provide evidence of previous, relevant experience, a description of the qualifications for all personnel who will be involved, and their respective roles in the proposed project team, as well as the contact details for three referees.

3.2 Health, Safety, Environment and Community

Council has a commitment to attaining the highest standards in its health, safety, environmental and community obligations. The selected consultant and its personnel are obliged to comply with the Council’s policies related to health, safety, environment and community engagement at all times.
4 RELATED STUDIES REPORTS AND REFERENCES

4.1 New Audits and Reports

To assist the development of the required options additional information is necessary and Council is undertaking or commissioning a number of parallel studies prior or during the Options Development phase.

4.1.1 Waste Audit Programs

Undertake an audit of the waste stream of larger commercial generators. To include:

- recycling participation rates; and
- recycling volumes and content, especially glass

Undertake an audit of the domestic waste recycling stream:

- Commercial and industrial waste stream (including high volume locations such as hospitals, aged care facilities);
- 'Boutique' precinct collections (e.g. Hastings Street restaurant precinct);
- Domestic recycling stream.

4.1.2 Eumundi Rd Recycling & Disposal Facility Technical Review & Improvement Program

Environmental monitoring of the site has indicated water quality issues that have the potential to impact on these environmental values. Further studies are required to establish the cause of the water quality issues and to confirm the potential for impacts to surrounding environmental values (to be undertaken in parallel with strategy development).

- Investigation of water quality issues at the site (general).
- Investigation of water quality issues at the site (organic waste processing area).
- Determination of environmental values surrounding the site (reference document Fauna and Flora Study 2006 undertaken previously).
- Address water quality issues and Transitional Environmental Program (stormwater management) requirements based on environmental values assessment.
4.2 Existing Waste Audits and Background Information

- Sunshine Coast Commercial Recycling Assessment – January 2011 SCRC (EnviroCom).

4.3 NC Waste Management Scoping Study May 2014

In January 2014, NC commissioned a scoping study review of existing waste management operations. The Scoping Study report examined a number of issues as listed below and made a series of recommendations for NC to consider. The report contains commercial in confidence material but will be made available to the contractor under the terms of their engagement.

- Review of all existing waste management documentation and assessment of continuing relevance or established good practice.
- Any technical inspections, analysis and recommendations with respect to Eumundi Rd landfill site not limited to existing and new cells, water quality, infrastructure etc.
- Internal (Councillor and officer) consultation to capture ideas and feedback and to support recommendations.
- Review of education programmes and identification of opportunities for improvement.
- Review of partnering opportunities and identification of opportunities for improvement with particular emphasis on Noosa Biosphere, community groups, Queensland Parks and Wildlife Service and commercial retailers/operators.
- Review and identification of grant funding opportunities.
- Review and identification of opportunities for improvement in product offerings (bin types and services).
- Review and identification of opportunities for improvement with respect to Eumundi Rd landfill management practices.
- Review and identification of opportunities of existing contract arrangements.
- Review of best practice generally and possible opportunities for adoption in Noosa.
4.4 Current Noosa Waste Facilities

The waste facilities servicing Noosa are:

- Ringtail Creek Quarry located at Boreen Point Road
- Pomona Transfer Station located at Pomona Kin Kin Road
- Cooroy Transfer Station located at Mary River Road, Cooroy
- Eumundi Road Landfill located at 561 Eumundi Road, Doonan
- North Shore Transfer Station located at Teewah Beach Road, North Shore
2. **PRE-RESPONSE REQUEST TO CHANGE CONDITIONS OF PLANNING & ENVIRONMENT COURT ORDER (318/2008) FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESOURCE BASED SPRING WATER BOTTLING PLANT (COOROY MOUNTAIN SPRING WATER) AT 314 COOROY MOUNTAIN RD, COOROY MOUNTAIN**

Author: Senior Development Planner, Denis Wallace  
Planning & Infrastructure

Index: ECM/Application/132006.268.02

Attachments:  
1. Locality Plan  
2. Court Approval for Spring Water Bottling Plant

### APPLICATION DETAILS

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<th>Application Number:</th>
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<td>Planning &amp; Environment Court Order 318 of 2008 for Material Change of Use – Resource Based Spring Water Bottling Plant</td>
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### PROPERTY DETAILS

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### STATUTORY DETAILS

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RECOMMENDATION

That Council agree in part to the pre-response request to change Planning & Environment Court Order 318 of 2008 (Application No.132006.268.02), situated at 314 Cooroy Mountain Road, Cooroy Mountain, in accordance with the following details:

A. Agree to delete conditions 5B, 5G & 18B;

B. Agree to change conditions 5C, 5E, 5F, 8, 9, 13 & 18A to read:

5C. Trucks attending the site must not exceed a total of 8 trucks per day and must not include B-Doubles.

5E. The hours of operation for the use are limited to 6:00am to 6:00pm Monday to Friday.

5F. A maximum of 12 staff (including drivers) are permitted on the premises during the hours of operation and are not permitted prior to 6:00am.

8. The existing site access shall be upgraded. The works must be undertaken as part of an Operational Works application and include the following:

(a) Design and construction generally in accordance with Council’s Standard Drawing No SEQ R-056.

(b) The clearing of vegetation in the road reserve as described in the submitted Traffic Impact Assessment prepared by RoadPro Development dated 11 December 2013.

(c) Any other clearing necessary to provide the “Safe Sight Distance” as indicated on Council’s Standard Drawing No SEQ R-056.

(d) Additional signage in Cooroy Mountain Road warning of “Trucks Turning”. The signage must be in accordance with the current edition of the Manual of Uniform Traffic Control Devices Queensland.

The ongoing maintenance of the site access, associated clearing and signage is the property owner’s responsibility.

9. The access driveway extending from the Cooroy Mountain Road frontage to the buildings must have a sealed surface and be maintained in good order.

13. A minimum of 13 uncovered carpark spaces shall be provided on site, including 1 clearly defined disabled carpark space.

18A. The design and construction of the on-site effluent disposal system and disposal area shall be in accordance with the Site and Soil Investigation for On-site Wastewater Treatment and Effluent Disposal prepared by Future-plus Environmental, dated November 2013, subject to the following requirements:

(i) Ongoing monitoring of treatment process and disposal areas shall be undertaken to ensure both are functioning effectively over time. They shall be undertaken generally as follows:

• Annual monitoring shall be undertaken from the time of commissioning to determine the quality of the wastewater produced from the effluent treatment system;

• Monitoring of the soils, vegetation and groundwater in the application area shall be undertaken every three years to establish that such is not percolating into the groundwater;
• Sampling and testing shall be in accordance with relevant regulatory requirements and manuals such as those provided by the Environmental Protection Agency, with testing undertaken by an accredited Laboratory;

• Continuous monitoring shall be undertaken by the system for any water on the surface of the application area, downslope resurfacing, changing plant growth on or around the application area and any other signs of problems, and addressed through maintenance or servicing.

(vi) Washing plant, equipment or vehicles shall be undertaken off-site. If on-site washing of any plant or equipment is necessary, all wastewater shall be collected in a sump and disposed of off-site as trade waste by a registered operator.

(viii) Rehabilitation of the waterway of the site, as indicated by the 1997 Strategic Plan (Open Space-Conservation & Waterway Protection) is to be undertaken in addition to replanting as detailed in Drawing HJO085.1.2 of the Conceptual Site-Based Stormwater Management Plan.

C. Refuse to change conditions 15 and 16;

D. Include the following additional conditions:

1. The effluent holding tank and STP shall have visual and audible high level alarms systems installed with secondary power backup (e.g.: battery power);

2. The effluent facilities and grease trap facility shall be serviced and maintained on a three monthly service regime with all documentation for maintenance and servicing forwarded to Noosa Council.

REPORT

1. Proposal

The applicant has requested Council provide a pre-request response notice to change conditions of a Development Permit for a Material Change of Use for a Resource Based Bottling Plant issued by the Planning & Environment Court. The proponent advises it wishes to significantly reduce the scale of the approved operation and seeks changes to a number of the conditions that attach to the Court Order (included as Attachment 2).

The applicant indicates the Cooroy Mountain Spring Water business will now operate as follows:

• Reduced operations from 5 days per week plus 5 Saturdays per year to 2 - 3 days per week;

• A reduced number of employees from 48 to approximately 3 - 4 staff (maximum of 10) and 3 visitors at any one time;

• No longer manufacturing or distributing products for office water coolers;

• Reduced vehicle movements and access requirements due to the changes in manufacturing and hours of operation; and

• Changes to on-site effluent requirements as a result of the reduced number of employees and visitors.

The applicant originally sought changes to conditions 8, 9, 13, 15, 16, 18A & 18B in relation to car parking, access relocation, development contributions and effluent treatment. During the course of the assessment it also agreed to change conditions 5B, 5C, 5E, 5F & 5G relating to truck movements, staff and operating hours and add two new effluent treatment conditions.
2. **Background**

A development approval for a Home Occupation (Bottling of Natural Spring Water) was granted in September 1991 and since operated as Cooroy Mountain Spring Water. Over time, the business expanded significantly.

In February 2006 an application was lodged for the Resource Based Spring Water Bottling Plant. The use included on-site bottling and packaging of spring water from 3 bores and employed up to 60 people in peak periods. The associated factory on the site is approximately 3,000m² in size.

During the public notification of the application 28 objections were received as well as 3 letters and 1 petition with 264 signatures in support of the application. The objections were primarily concerned with amenity impacts - that the use could be more appropriately located, lack of need, excessive traffic and the use being inappropriate in a water supply catchment area.

Staff recommended the application be refused because the subject development was considered likely to impact on the amenity of residents in the area and did not demonstrate sufficient planning need to operate from the site to overcome the conflict with The Noosa Plan. Noosa Council decided to approve the application and issued a development permit on 6 March 2008. The applicant subsequently made representations to the development approval conditions. Council agreed to some of the changes and issued a Negotiated Decision Notice.

On receipt of the decision, six submitters who objected to the development lodged an appeal to the Planning and Environment Court (No. 314/08) that the application be refused. The applicant (Cooroy Mountain Spring Water) also lodged a separate appeal to the Court seeking amendments to Conditions 5 and 16 relating to hours of operation, vehicle movements and roadworks contributions.

On 2 August 2010 the Court dismissed the submitters’ appeal after the applicant agreed to include additional conditions on the approval and allowed *in part* the applicant’s appeal to amend conditions of the approval. The decision, included as Attachment 2, represents the current development approval.

Administrators were appointed for the Cooroy Mountain Spring Water companies in September 2011 and the operation ceased around August 2012. The new owner, who also owns Wimmers Soft Drinks, purchased the company from the receivers in July 2013.

3. **Complaint History**

The previous operation of Cooroy Mountain Spring Water had an extensive history of complaints spanning almost 10 years. Generally speaking, the complaints began as the development expanded from an approved home based business to a much more substantial commercial operation and the majority related to traffic generation. The complaints resulted in various breach actions by Council and also the lodgement of the application that led to the current development approval.

4. **Statutory Process**

The applicant advises it intends to request a permissible change to the development approval under s369 of the *Sustainable Planning Act 2009* and seeks Council’s pre-response prior to making the application to the Court, as provided for under s368. A change to a development approval can only be made where the change constitutes a ‘permissible change’ as defined in s367.
The proposed change to the development approval requested by the applicant is considered to constitute a permissible change because:

- The change would not result in a substantially different development;
- The change would not trigger a new referral to the State Assessment and Referral Agency;
- The original application was impact assessable and the proposed changes would not likely cause a person to make a properly made submission because they relate to a reduction in the intensity of the development; and
- The changes do not involve prohibited development.

On this basis, the applicant is considered to be following the lawful process in making the request.

5. Assessment

Details and assessment of the requested changes to the existing conditions are provided below.

Condition 8 & 9 – Access Driveway

8. The applicant shall relocate the existing site access to a location between 80 and 110 metres east of the existing site access on Cooroy Mountain Road, to the reasonable satisfaction of Council. The intersection between Cooroy Mountain Road and the relocated site access shall be designed and constructed to provide safe turning areas for the vehicles likely to use the access. In this respect the intersection between Cooroy Mountain Road and the relocated access shall be designed and constructed in accordance with the most recent edition of the Department of Main Roads Road Planning and Design Manual and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks. The redundant access (i.e. the existing access driveway) shall not be used for vehicular access. To ensure vehicular access via the redundant access does not occur, the redundant access point within the Cooroy Mountain Road reserve shall be revegetated in accordance with Council standards.

9. The relocated driveway from Cooroy Mountain Road to the car parking loading area shall be sealed, designed and constructed in accordance with AS/NZS2890.1-2004, AS2890.2-2002 and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks. The relocated driveway shall be designed and constructed to grades that prevent vehicles from scraping and/or bottoming whilst also allowing pedestrians movements along the footpath without any step or level difference. Should any driveways be constructed to grades that do not comply with ASINZS2890.12004 and AS2890.2-2002, Council will require that the driveway be removed and reconstructed to levels that do comply.

Applicant’s Request

The [submitted] Traffic Impact Assessment prepared by RoadPro Development provides a new assessment of the proposed operations and confirms that the required road access and vehicle movements are minimal given the proposed reduction in operations (i.e. no distribution of water coolers and reduced days of operation p/week).

Further, the location of the access driveway has been reviewed with consideration to the number of vehicles accessing the site. Given that the existing driveway has been operating adequately for a number of years, the location meets the Australian Standards requirements and there is good sight visibility, low traffic volumes and the existing local driver awareness of this access, it is considered appropriate to retain the driveway in its current location. On this basis, it is proposed
that the existing site access be retained and that Conditions 8 and 9, which refer to a new site access, be deleted.

Assessment

The proposed changes to the use significantly reduce the number of traffic movements (both passenger and heavy vehicles) for the development. The submitted Traffic Impact Assessment prepared by RoadPro Development has considered the current access in regard to the proposed changes. The assessment includes recommendations regarding road side clearing and finds that the current access is sufficient to cater for the proposed use.

Although the access is located in close proximity to the Lukes Road intersection, the number of traffic movements is small and Council staff generally agree with the conclusions of the assessment. It is recommended that Condition 8 be amended to permit the use of the existing access and, in addition to the roadside clearing described in the traffic assessment, require that suitable signage be provided advising of the potential for trucks turning into/from the site.

The existing access driveway from the Cooroy Mountain Road frontage to the buildings is sealed, although it is in poor condition in parts and Condition 9 should be amended to ensure that the access driveway is sealed and maintained.

Condition 13 – Carparking

13. A minimum of 25 uncovered carpark spaces shall be provided on site, including 1 clearly defined disabled carpark space.

Applicant’s Request

The facility will operate with a maximum of 10 employees and a maximum of 3 visitors. As such, it is requested that Condition 13 be reduced to require only 13 car spaces.

Assessment

It is agreed that the condition can be amended to reduce the carpark area to reflect the reduced staff numbers.

Conditions 15 & 16 – Roadworks Contributions

15. A contribution of $5,960 shall be paid to the Council towards the cost of improvements to the major road network of Cooroy, as a result of increase traffic generation caused by the proposed development. The contribution shall be paid to the Council prior to obtaining a Development Permit for Operational Works. This amount will be subject to variations in the Consumer Price Index, All Groups Brisbane from December 2007 until the date of payment.

16. A contribution of $160,975 shall be paid to the Council towards the cost of improvements to Cooroy Mountain Road, as a result of increase traffic generation caused by the proposed development. The contribution shall be paid to the Council prior to obtaining a Development Permit for Operational Works. This amount will be subject to variations in the Consumer Price Index, All Groups Brisbane from December 2007 until the date of payment.
Applicant’s Request

It is requested that a payment plan be implemented for the contributions outlined within Conditions 15 and 16. As such, it is requested that the following notation be included:

Payment of the applicable contributions outlined by Conditions 15 and 16 is to be made in accordance with the approved payment plan.

Assessment

The contributions associated with these conditions have been outstanding since 2008 when the approval took effect. The company’s liability in this regard was evident at the time of the recent purchase. Council has undertaken the road upgrades to Cooroy Mountain Road and it is not considered appropriate to further delay payment of the contributions.

The requested change is not supported.

Condition 18A & 18B – Effluent Treatment

18A. The design and construction of the on-site effluent disposal system and disposal area shall be in accordance with the Conceptual Effluent Treatment and Disposal Strategy prepared by Gilbert and Sutherland, dated November 2009, subject to the following requirements:

(i) Ongoing monitoring of treatment process and disposal areas shall be undertaken to ensure both are functioning effectively over time. They shall be undertaken generally as follows:
   • Annual monitoring shall be undertaken from the time of commissioning to determine the quality of the wastewater produced from the effluent treatment system;
   • Monitoring of the soils, vegetation and groundwater in the application area shall be undertaken every three years to establish that such is not percolating into the groundwater;
   • Sampling and testing shall be in accordance with relevant regulatory requirements and manuals such as those provided by the Environmental Protection Agency, with testing undertaken by an accredited Laboratory;
   • Continuous monitoring shall be undertaken by the system for any water on the surface of the application area, downslope resurfacing, changing plant growth on or around the application area and any other signs of problems, and addressed through maintenance or servicing.

(ii) A reserve disposal area 100% the size of the primary disposal area shall be nominated and located outside required buffer areas. The location shall be provided as part of the detailed design report at the Operational Works application stage.

(iii) A minimum of secondary standard effluent treatment with disinfection to achieve the required microbiological quality (i.e. 200cfu/100ml with no sample over 1000cfu/100ml mL) shall be adopted.

(iv) Detailed MEDLI modelling shall be undertaken at the operational Works application stage to confirm the appropriate size for the effluent disposal area to ensure this is equal to plant uptake, soil storage and environmentally acceptable release rates.

(v) More information on the source/s and respective volumes of wastewater produced during bottling etc shall be provided in a detailed site-based stormwater management plan (SBSWMP) at the Operational Works application stage, including monitoring of actual wastewater production rates.

(vi) Washing plant, equipment or vehicles shall be undertaken off-site. If on-site washing of any plant or equipment is necessary, all wastewater shall be collected in a sump and disposed of off-site as trade waste by a registered operator.
(vii) Additional monitoring of wastewater discharge at Outflow Point 1 (G & S drawing H J0085.1.7) is to be carried out to demonstrate compliance with the desired SVSWMP water quality objectives in support of an operational Works approval, and on an on-going month basis to demonstrate continued compliance with SBSWMP water quality objectives. This monitoring and assessment of the impact must be carried out compliance with the Ecoaccess operational policy "Wastewater Discharge to Queensland Waters".

(viii) Rehabilitation of the waterway of the site, as indicated by the 1997 Strategic Plan (Open Space-Conservation & Waterway Protection) is to be undertaken in addition to replanting as detailed in Drawing HJ0085.1.2 of the Conceptual Site-Based Stormwater Management Plan.

18B. The Conceptual Effluent Treatment and Disposal Strategy prepared by Gilbert and Sutherland, dated October 2009 assumes a combined bottled/bulk water production volume of 24 ML/annum which produces 7.2 ML/annum of waste water. If the production rate increases over 24 ML/annum: additional settlement ponds, chemical treatment and flocculation is required in addition to those measures specified in the Conceptual Effluent Treatment and Disposal Strategy and condition 18A of this approval. These additional measures are to be achieved through larger (vertical) holding tanks and chemical dosing within the approved development footprint Erosion & Sediment Control

Applicant’s Request

Condition 18A refers to Effluent Disposal requirements, which will now be superseded by the Site and Soil Investigation for On-site Wastewater Treatment and Effluent Disposal prepared by Future-plus Environmental. This report addresses each provision within Condition 18A and integrates the relevant requirements or changes, where applicable. As such, it is requested that condition 18A be updated to reflect this new report and condition 18B be deleted.

Assessment

Council’s plumbing unit has reviewed the submitted effluent report and supports the proposed changes, subject to the following additional requirements agreed with the applicant:

- The effluent holding tank and STP shall have visual and audible high level alarms systems installed with secondary power backup (e.g.: battery power).
- The effluent facilities and grease trap facility shall be serviced and maintained on a three monthly service regime with all documentation for maintenance and servicing forwarded to Noosa Council.

Conditions 5B & 5C – Truck Movements

5B. Prior to the Council completing the staged upgrade works to Cooroy Mountain Road, weekly Trucks shall be limited as follows:
   (a) 40 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;
   (b) 20 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).

5C. After the Council has completed the staged upgrade works to Cooroy Mountain Road, weekly Trucks shall be limited as follows:
   (a) 50 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;
   (b) 25 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).
Note: The road upgrade referred to is the upgrading of the remaining 2.2 kilometres of Cooroy Mountain Road to provide two (2) 3.5 metre wide traffic lanes with a 1.0 metre wide sealed shoulder to a total formation width of 9.0 metres. It is envisaged that the upgrade works to Cooroy Mountain Road will be completed in the financial year 2012/2013.

Assessment

The road upgrade works are now generally complete and the applicant has agreed condition 5B can be deleted and 5C simplified to reflect the reduced intensity of the use, with no more than 8 trucks a day now proposed.

Condition 5E – Hours of Operation

5E. The hours of operation for the use are limited to:
- 6:00am to 10:00pm Monday to Friday;
- 8:00am to 5:00pm on no more than five (5) Saturdays per year, where production has been disrupted during the week due to breakdown.

Assessment

To reflect the reduced intensity of the use the applicant has agreed to amend this condition to limit the hours to 6am to 6pm Monday to Friday only.

Condition 5F & 5G – Maximum Staff

5F. A maximum number of 48 staff (including drivers) are permitted on the premises during the hours of operation and are not permitted to arrive at the premises prior to 6:00am except for:
- 1 employee (maintenance worker) who is permitted to arrive at 5:00am Monday to Friday;
- 1 employee (maintenance worker) who is permitted to arrive at 5:30am Monday to Friday; and
- 8 employees (production workers) who are permitted to arrive at 5:45am Monday to Friday;

5G. Administrative staff will be relocated from the site by 31 October 2012 such that the maximum number of staff on site from that time forward will be 30, generally represented by 15 production workers, 7 semi-trailer drivers, 3 management staff (from time to time), 2 ancillary truck drivers and 2 maintenance workers.

Assessment

To reflect the reduced intensity of the use the applicant has agreed to amend condition 5F to limit the maximum number of staff on site to 12 (including drivers) from 6am only and to delete condition 5G.
Consultation

**External Consultation - Community & Stakeholder**
Nil

**Internal Consultation**
Departments/Sections Consulted:

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<tr>
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<tr>
<td>Disaster Management &amp; Public Order</td>
<td>Building &amp; Plumbing Services</td>
</tr>
<tr>
<td>Waste &amp; Environmental Health</td>
<td>X DA Planning</td>
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<tr>
<td>Community Facilities</td>
<td>Strategic Land Use Planning</td>
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<td>Asset Design &amp; Investigations</td>
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ATTACHMENT 2

Court Approval for Spring Water Bottling Plant

In the Planning and Environment Court
Held at: Maroochydore

Between: COOROY MOUNTAIN SPRING WATER PTY LTD ACN 053 498 285

Appellant

And: SUNSHINE COAST REGIONAL COUNCIL

Respondent

And: JOHN HARDING, JOHN FORTH, ADRIENNE FORTH, JOAN ALEXANDER,
IAN BENNETT AND PETER MOON

Co-Respondents by Election

JUDGMENT

Before His Honour Judge Dodds

Date of Hearing: 2 August 2010

Date of Judgment: 2 August 2010

THIS MATTER HAVING on this day come on for hearing by way of an appeal against the Respondent’s approval of a development application for a Development Permit for a Material Change of Use (Resource- Based Spring Water Bottling Plant) in relation to Land at 314 Cooroy Mountain Road, Cooroy and also described as Lot 2 on SP 143409.

UPON the Court being satisfied that the changes to the plans of development are “minor” within the meaning of section 4.1.52(2)(b) of the Integrated Planning Act 1997 as amended by sections 821 and 350 of the Sustainable Planning Act 2009.

IT IS ADJUDGED that:

1. the appeal be allowed in part;

2. the changed application be approved subject to the amended conditions attached hereto and marked “Attachment A”;

JUDGMENT
Filed on behalf of the Appellant
Form PEC-7

CONNOR O’MEARA
Solicitors
Level 5, 370 Queen Street
BRISBANE 4000
Phone: 3221 3033
Fax: 3221 6661
3. there be liberty to apply.

Filed on 06. 08. 2010

Filed by: Connor O'Meara Solicitors
Service address: Level 5, 370 Queen Street, Brisbane 4000
Phone: (07) 3221 3033
Fax: (07) 3221 6661

[Signature]

Registrar.
1 APPLICATION DETAILS

Application No: 2006/268
Street address: 314 Cooroy Mountain Road, Cooroy Mountain
Real property description: Lot 2 SP 143409
Planning Scheme: The Noosa Plan

2 RELEVANT PERIOD OF APPROVAL

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

3 ASSESSMENT MANAGER CONDITIONS

Land Use
1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are numbered SK01 and SK02 dated 2 August 2010 and as may be amended by these conditions.
2. The development must be undertaken and operated in a manner that causes no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.

Vehicle and Truck Movements
3. All vehicles associated with the use shall travel to the site via the western end of Cooroy Mountain Road.
4. -
5. -
5A. Trucks are not to arrive at or leave the premises outside the hours of 7:00 am to 6:00 pm Monday to Friday.
5B. Prior to the Council completing the staged upgrade works to Cooroy Mountain Road, weekly Trucks shall be limited as follows:
   (a) 40 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;
   (b) 20 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).
5C. After the Council has completed the staged upgrade works to Cooroy Mountain Road, weekly Trucks shall be limited as follows:
   (a) 50 water carrying trucks (namely all semi-trailers, tankers and other trucks carrying water but excluding B-Doubles) per week;
   (b) 25 ancillary trucks (namely non-articulated trucks and non-water carrying trucks).

Note: The road upgrade referred to is the upgrading of the remaining 2.2 kilometres of Cooroy Mountain Road to provide two (2) 3.5 metre wide traffic lanes with a 1.0 metre wide sealed shoulder to a total formation width of 9.0 metres. It is envisaged that the upgrade works to Cooroy Mountain road will be completed in the financial year 2012/2013.
5D. Truck drivers will comply with the requirements of the "Truck Drivers Code of Conduct" dated 2 August 2010 which requires, amongst other things but is not limited to:
(a) the use of engine/exhaust brakes along Topaz Street and Cooroy Mountain Road be prohibited except in case of an emergency (i.e. safety requirement);

(b) Maximum speed on Topaz Street and Cooroy Mountain Road to be 60 km/hr.

**Hours of operation**

**5E.** The hours of operation for the use are limited to:

- 6:00am to 10:00pm Monday to Friday;
- 8:00am to 5:00pm on no more than five (5) Saturdays per year, where production has been disrupted during the week due to breakdown.

**Maximum staff**

**5F.** A maximum number of 48 staff (including drivers) are permitted on the premises during the hours of operation and are not permitted to arrive at the premises prior to 6:00 am except for:

- 1 employee (maintenance worker) who is permitted to arrive at 5:00 am Monday to Friday;
- 1 employee (maintenance worker) who is permitted to arrive at 5:30 am Monday to Friday; and
- 8 employees (production workers) who are permitted to arrive at 5:45 am Monday Friday.

**5G.** Administrative staff will be relocated from the site by 31 October 2012 such that the maximum number of staff on site from that time forward will be 30, generally represented by 15 production staff, 7 semi-trailer drivers, 3 management staff (from time to time), 2 ancillary truck drivers and 2 maintenance workers.

**Home and office deliveries**

**5H.** No home or office delivery staff or vehicles shall operate from the premises.

**Miscellaneous**

6. Existing trees on the site and within road reserves are to be retained, except where required to be removed due to building operations or the conduct of the approved use. These landscape plans required to be submitted are to denote areas of existing vegetation or existing trees proposed or required to be retained.

7. Any advertising sign or device is to comply with Council's policies on advertising.

**Land Development**

**Vehicle Access and Frontage works**

8. The applicant shall relocate the existing site access to a location between 80 and 110 metres east of the existing site access on Cooroy Mountain Road, to the reasonable satisfaction of Council. The intersection between Cooroy Mountain Road and the relocated site access shall be designed and constructed to provide safe turning areas for the vehicles likely to use the access. In this respect the intersection between Cooroy Mountain Road and the relocated access shall be designed and constructed in accordance with the most recent edition of the Department of Main Roads Road Planning and Design Manual and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks. The redundant access (i.e. the existing access driveway) shall not be used for vehicular access. To ensure vehicular access via the redundant access does not occur, the redundant access point within the Cooroy Mountain Road reserve shall be revegetated in accordance with Council standards.

9. The relocated driveway from Cooroy Mountain Road to the car parking loading area shall be sealed, designed and constructed in accordance with AS/NZS 2890.1-2004, AS 2890.2-2002 and The Noosa Plan Planning Scheme Policy 5 Engineering Design Standards - Roads, Drainage and Earthworks. The relocated driveway shall be designed and constructed to grades that prevent
vehicles from scraping and/or bottoming whilst also allowing pedestrians movements along the footpath without any step or level difference. Should any driveways be constructed to grades that do not comply with AS/NZS 2890.1-2004 and AS 2890.2-2002, Council will require that the driveway be removed and reconstructed to levels that do comply.

10. All vehicles shall enter and leave the site in a forward direction.

Loading Areas

11. Sealed loading and manoeuvring areas for the heavy vehicles shall be provided on site generally as shown on drawing number SK-01, dated 2 August 2010 and shall comply with the requirements of AS 2890.2-2002 where applicable.

Car Parking

12. A sealed car parking area shall be provided on site generally as shown on drawing number SK-01, dated 2 August 2010 and shall comply with the requirements of AS/NZS 2890.1-2004 where applicable.

13. A minimum of 25 uncovered carpark spaces shall be provided on site, including 1 clearly defined disabled carpark space.

14. All carparking shall be kept, maintained and line-marked in a condition fit for use.

Roadworks Contributions

15. A contribution of $5,960 shall be paid to the Council towards the cost of improvements to the major road network of Cooroy, as a result of increase traffic generation caused by the proposed development. The contribution shall be paid to the Council prior to obtaining a Development Permit for Operational Works. This amount will be subject to variations in the Consumer Price Index, All Groups Brisbane from December 2007 until the date of payment.

16. A contribution of $160,975 shall be paid to the Council towards the cost of improvements to Cooroy Mountain Road, as a result of increase traffic generation caused by the proposed development. The contribution shall be paid to the Council prior to obtaining a Development Permit for Operational Works. This amount will be subject to variations in the Consumer Price Index, All Groups Brisbane from December 2007 until the date of payment.

Water Quality

17. The applicant shall submit a Water Management Plan for Council approval prior to the issue of any Operational Works Permit. The Water Management Plan shall be prepared by a suitably qualified Environmental Engineer and certified by a Registered Professional Engineer of Queensland. The Water Management Plan shall detail water quantity and quality requirements of environments receiving runoff from the site. The Water Management Plan shall demonstrate that appropriate treatment measures will be incorporated into the proposed use to ensure the existing water quantity and water quality within environments receiving runoff from all aspects of the proposed use (i.e. including but not limited to effluent, carpark runoff and any by products of industrial use occurring on site) are maintained in accordance with The Noosa Plan and the Environmental Protection (Water) Policy 1997.

Effluent Disposal

18. 

18A. The design and construction of the on-site effluent disposal system and disposal area shall be in accordance with the Conceptual Effluent Treatment and Disposal Strategy prepared by Gilbert and Sutherland, dated October 2009, subject to the following requirements:

(i) ongoing monitoring of treatment process and disposal areas shall be undertaken to ensure both are functioning effectively over time. They shall be undertaken generally as follows:
• Annual monitoring shall be undertaken from the time of commissioning to determine the quality of the wastewater produced from the effluent treatment system;

• Monitoring of the soils, vegetation and groundwater in the application area shall be undertaken every three years to establish that such is not percolating into the groundwater;

• Sampling and testing shall be in accordance with relevant regulatory requirements and manuals such as those provided by the Environmental Protection Agency, with testing undertaken by an accredited Laboratory;

• Continuous monitoring shall be undertaken by the system for any water on the surface of the application area, downslope resurfacing, changing plant growth on or around the application area and any other signs of problems, and addressed through maintenance or servicing.

(ii) A reserve disposal area 100% the size of the primary disposal area shall be nominated and located outside required buffer areas. The location shall be provided as part of the detailed design report at the Operational Works application stage.

(iii) A minimum of secondary standard effluent treatment with disinfection to achieve the required microbiological quality (i.e. 200 cfu/100 mL with no sample over 1000 cfu/100mL) shall be adopted.

(iv) Detailed MEDLI modelling shall be undertaken at the operational Works application stage to confirm the appropriate size for the effluent disposal area to ensure this is equal to plant uptake, soil storage and environmentally acceptable release rates.

(v) More information on the source/s and respective volumes of wastewater produced during bottling etc shall be provided in a detailed site-based stormwater management plan (SBSWMP) at the Operational Works application stage, including monitoring of actual wastewater production rates.

(vi) Washing plant, equipment or vehicles shall be undertaken off-site. If on-site washing of any plant or equipment is necessary, all wastewater shall be collected in a sump and disposed of off-site as trade waste by a registered operator.

(vii) Additional monitoring of wastewater discharge at Outflow Point 1 (G & S drawing H J0085.1.7) is to be carried out to demonstrate compliance with the desired SVSWMP water quality objectives in support of an operational Works approval, and on an on-going basis to demonstrate continued compliance with SBSWMP water quality objectives. This monitoring and assessment of the impact must be carried out compliance with the Ecoaccess operational policy “Wastewater Discharge to Queensland Waters”.

(viii) Rehabilitation of the waterway of the site, as indicated by the 1997 Strategic Plan (Open Space-Conservation & Waterway Protection) is to be undertaken in addition to replanting as detailed in Drawing H J0085.1.2 of the Conceptual Site-Based Stormwater Management Plan.
18B. The Conceptual Effluent Treatment and Disposal Strategy prepared by Gilbert and Sutherland, dated October 2009 assumes a combined bottled/bulk water production volume of 24 ML/annum, which produces 7.2 ML/annum of waste water. If the production rate increases over 24 ML/annum, additional settlement ponds, chemical treatment and flocculation is required in addition to those measures specified in the Conceptual Effluent Treatment and Disposal Strategy and condition 18A of this approval. These additional measures are to be achieved through larger (vertical) holding tanks and chemical dosing within the approved development footprint. Erosion & Sediment Control

19. Any person acting on this permit shall prevent erosion and sediment export from leaving the site. Site control measures such as silt fencing, controlled gravel access to the site and controlled disposal of waste, will be necessary. In this regard plans detailing the methods of controlling erosion and sediment are required to be submitted to the Council for approval prior to obtaining a Development Permit for Operational Works.

General

20. For the following classes of work associated with development, a Development Permit for Operational Works must be obtained prior to commencement of works relating to that class of work. The application may combine any or all of these classes of work:

   - Access and/or Carparking.
   - Roadworks.
   - Stormwater Drainage.
   - Frontage Works.
   - Erosion & Sediment Control

21. A suitably qualified Registered Professional Engineer shall prepare engineering drawings and specifications for all engineering works that will become Council infrastructure, which shall be submitted in conjunction with an application for a Development Permit for Operational Works. In this regard a DXF/DWG file on GDA94 zone 56 grid of the proposed cadastre layout is to be submitted in conjunction with any application for Operational Works.

22. Digital detailed designs including drawings, calculations, specifications and a schedule of works, shall be submitted with any application for a Development Permit for Operational Works in respect of roadworks and stormwater drainage works. The design shall be in accordance with Council’s Planning Scheme Policy PSP05 – Engineering Design Standards – Roads, Drainage and Earthworks. To avoid conflict with underground pipes or services, all existing and proposed services required by the development shall be shown on the plans.

23. To facilitate production of As Constructed drawings it is suggested that all design drawings are submitted in the Asset Design and As Constructed (ADAC) digital format. (Guidelines on the use of ADAC are available at www.adac.com.au).

24. As Constructed drawings and data shall be certified by a qualified experienced Civil Engineer for design intent, and a Licensed Surveyor shall certify the cadastre and the location, level and type of all services and structures. All of which shall be submitted to Council for checking and for Council’s records.

The data must fully detail levels for all engineering works including but not limited to drainage structures, finished ground levels and pavement surface levels. The data shall be submitted in the Asset Design and As Constructed (ADAC) digital format. (Guidelines on the use of ADAC are available at www.adac.com.au).

Approval of works shall not be granted until all As Constructed information has been supplied and accepted by Council.
Environmental Health

25. The developer must provide waste storage and disposal facilities in accordance with Planning Scheme Policy No 9 “Waste Management Multi-Dwellings and Commercial and Industrial Premises”, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties. A roofed waste/bin wash area is required with a cold-water tap, hose and drain outlet connected to sewer, or approved wastewater disposal system via a bucket trap and grease arrestor.

26. The development must allow refuse-loading areas to be located off street. All vehicles associated with the collection of waste/recyclables, shall enter and leave the site in a forward direction, without the need for any unsafe maneuvering.

27. A Waste Management Plan (Operational) in accordance with Planning Scheme Policy No. 9 “Waste Management Multi-Dwellings and Commercial and Industrial Premises”, must be submitted for the day-to-day operation of the development and approved by Council’s Health Section prior to issue of development permit for operational works.

It is critical that waste areas are properly planned. A copy of Planning Scheme Policy No. 9 explaining exactly how to predict waste quantities and design waste areas is available from Council and the web. The Plan shall include the following information:

- The types of waste that will be generated from the activities approved within the development.
- Estimated volumes or tonnage of both recyclables and waste generated.
- Methods to be used for dealing with garden waste.
- Initiatives to minimize waste either by waste prevention, reduction, re-use or recycling.
- Description of procedures for getting all waste to the bins; the storage of bins and the collection of bins by the contractor.
- A description of the design details of waste storage and recycling areas including size, location, elevation and floor plan, methods of bin washing and system to prevent storm water getting into sewer via the bin wash.
- A description of types and volume of waste storage containers to be used.
- The waste and recycling storage area shall include the provision of containers for all waste and recycling materials including putresable matter, non-recycling waste, paper/cardboard, glass, aluminum/steel cans, waste oil, styrofoam boxes, etc, and bin washing facilities connected to sewer.
- A detailed description of vehicular access to collect waste. Where collection is off street, access must allow vehicles to enter and leave the site in a forward direction.

28. As no Plumbing Final has been issued through Noosa Council Plumbing Services, all existing plumbing and drainage, along with Backflow Prevention Devices, are to be assessed to ensure compliance with current Legislation and Acts.

4 APPROVED PLANS/DOCUMENTS

The approved plans and / or documents for this development approval are listed in the Assessment Manager conditions.

5 ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval.
1. We advise ‘interested parties’ i.e. ‘developer’, ‘owner’, ‘tenant’ to consider their responsibilities under the Disability Discrimination Act (DDA) in regard to the installation of disabled access and the provision of disabled facilities, and that access to this building and the provision of sanitary facilities may need to comply with the requirements of Section D Part D3 and Section F Clause F2.4 of the Building Code of Australia.

2. Noise from building works associated with commercial and or industrial development should comply with the following –
   - Limited to between 7:00am to 6:30pm Monday to Saturday.
   - All reasonable measures are taken to minimise noise emissions.
   - Not permitted on Sunday or public holidays.

3. In accordance with the Environmental Protection (Water) Policy 1997, all sand, silt, mud, paint, cement, concrete, builder's waste or rubbish should not be permitted to enter or be placed where it could reasonably be expected to move into a roadside gutter, storm water drain or a watercourse. On the spot fines apply for such offences.

4. The applicant is informed that payment via credit card transaction will not be an acceptable method of payment for development contributions conditioned in this permit or for infrastructure charge notices issued separately.

Aboriginal Cultural Heritage Act 2003

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

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

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

5. PROPERTY NOTES

Not applicable

7. PRELIMINARY APPROVAL OVERRIDING SCHEME

Not applicable
8  **FURTHER DEVELOPMENT PERMITS REQUIRED**

<table>
<thead>
<tr>
<th>Type of Development Permit required</th>
<th>Subject of the required Development Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Permit for Building Works</td>
<td>All Building Works</td>
</tr>
<tr>
<td>Development Permit for Operational Works</td>
<td>Access, Carparking, Roadworks, Stormwater Drainage, Frontage Works and Erosion and Sediment Control.</td>
</tr>
</tbody>
</table>

9  **SELF ASSESSABLE CODES**

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

Advertising Devices Code
3. **APPLICATION FOR AN EXTENSION TO RELEVANT PERIOD FOR 26 MULTIPLE DWELLING UNITS & AN ACCOMMODATION BUILDING FOR 12 UNITS, SITUATED AT 27 ATTUNGA HEIGHTS, NOOSA HEADS**

**Author**  
Development Planner, Jack Lewis  
Planning & Infrastructure

**Index**  
ECM/ Application/ 132003.221199.3 & 142007.2555.04

**Attachments**  
1. Locality Plan  
2. Zone Map  
3. Approved Development Plans

### APPLICATION DETAILS

<table>
<thead>
<tr>
<th><strong>Applicant</strong></th>
<th>David Neate C/- Innovative Planning Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposal</strong></td>
<td>Request to Extend the Relevant Period</td>
</tr>
<tr>
<td><strong>Properly Made Date</strong></td>
<td>11 October 2013</td>
</tr>
<tr>
<td><strong>Original Approval Type</strong></td>
<td></td>
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</table>
- Development Permit for Material Change of Use for Multiple Dwelling Units (26 Dwelling Units) and Accommodation Building (12 Accommodation Units);  
- Development Permit for Operational Works for Landscaping, Drainage, Stormwater, Vegetation Clearing, Water & Sewerage, Earthworks, Access & Parking |
| **Number of Submissions for Original Application** | 32 properly made and 6 not properly made |

### PROPERTY DETAILS

<table>
<thead>
<tr>
<th><strong>Property Address</strong></th>
<th>27 Attunga Heights NOOSA HEADS</th>
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</thead>
<tbody>
<tr>
<td><strong>RP Description</strong></td>
<td>Lot 27 RP 89506</td>
</tr>
<tr>
<td><strong>Land Area</strong></td>
<td>1.805 hectares</td>
</tr>
<tr>
<td><strong>Existing Use of Land</strong></td>
<td>Detached House</td>
</tr>
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</table>

### STATUTORY DETAILS

<table>
<thead>
<tr>
<th><strong>SEQRP Designation</strong></th>
<th>Urban Footprint</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Locality</strong></td>
<td>Noosa Heads</td>
</tr>
<tr>
<td><strong>Zone</strong></td>
<td>Open Space Conservation, Attached Housing and Detached Housing</td>
</tr>
<tr>
<td><strong>Overlays</strong></td>
<td>Biodiversity Overlay (Environmental Protection), Natural Hazards (Medium Bushfire), Natural Hazards (Landslide), Natural Hazards (Low Potential Acid Sulfates)</td>
</tr>
</tbody>
</table>
RECOMMENDATION

That Council refuse the request to extend the relevant period for applications 132003.221199.3 & 142007.2555.04, situated at 27 Attunga Heights, Noosa Heads for the following reasons:

1. The development is contrary to The Noosa Plan’s Overall and Specific Outcomes for the Noosa Heads Locality;

2. The application was publicly notified in 2004 and given the time lapsed, the community is unlikely to be aware of the development approval; and

3. The proposed development were it to be publicly notified today, is likely to receive submissions objecting to the development, given the significant non-compliance with The Noosa Plan.

REPORT

1. Proposal

The application seeks approval to extend the relevant period for a Development Permit for a Material Change of Use (26 Multiple Dwelling units and an Accommodation Building for 12 units) and associated Operational Works at 27 Attunga Heights, Noosa Heads for a further 2 years until 15 October 2015. The report is before Council, as the application is recommended for refusal.

2. Background

The application was first reported to Noosa Council on 9 March 2005, wherein officers recommended refusal of the Material Change of Use application due to the scale of the development, as well as the impacts on the site’s environmental and physical constraints.

Amended plans were lodged and reported to Council on 22 June 2005 with a recommendation again for refusal. The amendments were relatively minor, including some increased setbacks to the creek and amendments to the Accommodation Building to retain 3 mature hoop pines. On 18 July 2005, Noosa Council approved in part the Material Change of Use application for 30 multiple dwelling units and an accommodation building of 12 units, as well as refusing the request to reconfigure the lot into 2 lots. Council found the following grounds submitted by the applicant sufficient to justify the decision despite the conflict with the planning scheme:-

1. The limited scale of the buildings, the proposed landscape/vegetation buffering will ensure that the proposed development will not be visually intrusive.

2. The development integrates with minimal modification of the landform by buildings following existing contours, changing in level, suspended above ground surface, accesses following existing driveways, and minimisation of cut and fill platforms.

3. The development integrates with the landscape by using predominantly native species, minimising clearing, using sympathetic building colours, locating access ways in cleared areas.

4. The geotechnical report concludes that there will be a low to moderate risk of slope instability and that this risk is manageable by use of special construction techniques.

5. The areas of the site for development support vegetation communities of only low to high levels of significance, with both communities highly disturbed, low in diversity, small in size with low connective values. Approximately 73 to 79% of the site is to remain as undeveloped open space.

6. The level of development is consistent with the limitations of access in the area. With the applicant’s traffic consultant concluding that the impact of the proposal would be insignificant (below a 5% increase), except on Viewland Drive. The increase in traffic on Viewland Drive would be such that peak traffic flow would be less than 300 vehicles per day.
Representations were made by the applicant to the conditions, with a negotiated decision issued 13 October 2005.

On 1 December 2005, Council received ‘notice’ that the application was being called in by the then Minister for Local Government and Planning (Desley Boyle) to assess and decide the application pursuant to section 3.6.6 of the Integrated Planning Act 1997. The Minister advised that the application was ‘called-in’ as the development involved matters of state interest, including a state wildlife corridor through the site, impact on wildlife habitat, the movement of koalas, and the site contains remnant vegetation.

On 6 March, 2006, the Minister issued a Decision Notice for a Material Change of Use for 26 multiple dwelling units (21 x 3 bedrooms & 5 x 2 bedrooms) and an accommodation building comprising 12 x 1 bedroom units.

On 17 October 2008, the Department of Natural Resources and Water issued a permit for the clearing of native vegetation on the site. This permit was issued after the applicant undertook vegetation offset planting on part of the adjacent Viridian site to offset the proposed clearing of remnant vegetation on the subject site. The offset rehabilitation was completed and the covenant established on the title. The clearing permit gave the applicant until the 15 October 2013 to clear the subject site for the development.

On 21 April 2009, Council issued a Preliminary Approval for Operational Works – Drainage, Stormwater, Vegetation Clearing, Water & Sewerage, Earthworks and Access & Parking. A Preliminary Approval was issued because the payment of contributions and bonds were outstanding. The payment of these is required before a Development Permit can be granted.

On 13 July 2009, Council extended the relevant approval of the Ministerial approval and the associated Operational Works preliminary approval until the 15 October 2013, which was the date the State’s vegetation clearing permit was to expire. This aligned the expiry date for all approvals.

On 31 October 2013, the Department of State Development, Infrastructure and Planning agreed to extend the relevant period for two (2) years to allow for clearing of vegetation on the site associated with the development.

3. Assessment

The applicant requests an extension to the relevant periods for both the Material Change of Use and Operational Works approvals for two years. The current landowner purchased the site three years ago, after the previous owner went into receivership.

The applicant indicates that a revised, less dense and more sympathetic development is the likely outcome that will be sought on the land. However, until such a revised outcome is applied for, the extension of the current approval gives certainty in ensuring the development entitlement for the site. The applicant indicates that due to the relatively short time for the current land owner to act on the existing approvals, or finalise an alternative outcome, an extension is requested.

In accordance with Section 388 of the Sustainable Planning Act 2009, in deciding a request to extend the relevant period, the assessment manager must only have regard to:

(a) the consistency of the approval, including its conditions, with current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule;

(b) the community’s current awareness of the development approval;

(c) whether, if the request were refused-
   (i) further rights to make a submission may be available for a further development application; and
   (ii) the likely extent to which those rights may be exercised;

(d) the views of any concurrence agency for the approval.
The following provides an assessment against section 388 of the Act.

**Consistency with The Noosa Plan & State Policies/Regulations**

**State Planning Policies**
The applicable SPPs have been deemed by the Minister for Local Government and Planning as being appropriately reflected in Council’s planning scheme and therefore do not warrant a separate assessment. In addition, the recently adopted Single State Planning Policy does not apply, as it came into effect after the application had entered the decision period.

**South East Queensland Regional Plan**
The site is located within the urban footprint of the South East Queensland Regional Plan. The proposal is for urban development within the footprint and is consistent with the regional land use intent, regional policies and desired regional outcomes.

**South East Queensland Koala Conservation State Planning Regulatory Provisions**
The site is located outside of the Koala Assessable Development Area and does not warrant assessment against the regulatory provisions.

**The Noosa Plan**
The application was lodged and assessed under the Superseded Planning Scheme and The Noosa Hill Development Control Plan. The provisions of the Superseded Scheme and The Noosa Plan are not dissimilar. The Noosa Plan includes the 1.8ha site in a number of zones, including the Detached Housing (2,481m²), Attached Housing (2,068m²) and Open Space Conservation (1.34ha) zones (see Attachment 1 – Zone Map).

An assessment of the approved development against the key technical provisions of The Noosa Plan is outlined below:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Existing Approval</th>
<th>The Noosa Plan</th>
<th>Complies</th>
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<tbody>
<tr>
<td><strong>Density</strong></td>
<td></td>
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<tr>
<td></td>
<td>- 21 x 3 bed units (69.3)</td>
<td>Attached Housing (2,068m²) – 160/ha (33) Detached Housing (2,481m²) - 3.3/600m² (13.2) Total = 46.2 persons</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>- 5 x 2 bed units (12)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>- 12 x 1 bed units (16.8)</td>
<td></td>
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<tr>
<td></td>
<td><strong>Total = 98.1 persons</strong></td>
<td></td>
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<tr>
<td><strong>Height</strong></td>
<td>Units – 4 storeys/12m Lodge – 3 storeys/10m</td>
<td>Attached Housing (2,068m²) – 3 storeys/12m Detached Housing (2,481m²) – 2 storeys/8m</td>
<td>X</td>
</tr>
<tr>
<td><strong>Gross Floor Area</strong></td>
<td>5,000m² approx</td>
<td>Attached Housing (2,068m²) – 1,320m² Detached Housing (2,481m²) – N/A</td>
<td>X</td>
</tr>
<tr>
<td><strong>Site Cover</strong></td>
<td>2,835m² (83%)*</td>
<td>Attached Housing (2,068m²) – 827m² (40%) Detached Housing (2,481m²) – 992m² (40%)</td>
<td>X</td>
</tr>
</tbody>
</table>

* Applicable only to the developable area of the site
The existing approval does not comply with key Noosa Plan requirements relating to density, height, gross floor area and site cover. Furthermore, the proposal extends substantially beyond the developable areas identified by The Noosa Plan zone map, into parts of the site designated Open Space Conservation. This area has significant environmental values and is mapped by the Biodiversity Overlay for Environmental Protection, given the area includes remnant vegetation.

The proposed development also fails to adequately protect the environmental values and functions of the creek and its riparian vegetation, given the minimal setbacks to the creek and the substantial earthworks likely to be required for the approved development. The development generally west of the creek is also not considered appropriate, given the steep slopes and the significance of the vegetation. The buildings intrude into the recommended setback of 10m to the creek, and basement car parks are proposed into parts of the very steep site, requiring substantial earthworks and clearing to construct the development.

It is recognised that there is some development potential off Attunga Heights, which includes the existing dwelling on the site and contains more moderate slopes. However, any development in this area should be of a scale and density consistent with existing and permitted development in the street, which are predominantly duplexes.

The existing Material Change of Use and associated Operational Works approvals do not meet the outcomes sought by The Noosa Plan, resulting in inappropriate development impacting on the site’s environmental and physical constraints.

Infrastructure Charges
Under the provisions of the existing approval, infrastructure contributions have not been required for the following relevant networks:

- Stormwater; and
- Public Transport

These networks are now applicable to the proposed development. In accordance with the position adopted by Noosa Council on 6 February 2014, an infrastructure agreement is required to secure the additional charges for these networks so that the approval remains consistent with current laws and policies applying to the development (total of $60,336). These charges are additional to the infrastructure contributions and/or charges required under the provisions of the existing approval.

If the proposal were to be approved the applicant would need to enter into an infrastructure agreement to pay for the missing networks. The total amount required to be paid would be $621,417 (CPI Dec 2013).

Community’s Current Awareness of the Development, Rights to Submit and Likelihood of Further Submissions

The original application was publicly notified in 2004 and approved in 2006 by Ministerial call in. Thirty-two properly made submissions were made during the public notification period.

Since the application was approved, the Noosa Outrigger Resort (Viridian) has been constructed adjacent to the subject site comprising a total of 192 visitor accommodation units in 11 separate buildings with associated restaurant and conference facilities. The resort development is located on the eastern side of the valley, and overlooks the currently vegetated hillside, which makes up the subject site.

Although an existing access easement (in favour of the subject site) traverses the Outrigger Resort site, many of the new unit owners are likely to be unaware of the extent of the existing
development approval on the adjoining site. Residents also in Attunga Heights and opposite the public walkway are likely to be similarly unaware, with almost 10 years lapsing since the original notification period. It is likely that further adverse submissions would be received from residents of these surrounding properties given the proposed development does not comply with The Noosa Plan provisions and results in significant clearing.

As a result, the proposed extension does not meet the community awareness test for extending the approval under Section 388c) of the *Sustainable Planning Act 2009* and is likely to attract submissions opposing the development.

**Concurrency Agencies**

There were no concurrence agencies applicable to the Material Change of Use application. However, it is noted that the Department of State Development, Infrastructure and Planning agreed to extend the relevant period for two years, to allow for clearing of vegetation on the site associated with the development.

4. Conclusion

In deciding a request for an extension to the relevant period, an assessment has been made against section 388 of the *Sustainable Planning Act 2009*. The assessment has found that the development is inconsistent with The Noosa Plan and the community is unlikely to be aware of the proposal given the time elapsed since public notification, with further submissions likely to be made against the proposal.

**Consultation**

**External Consultation - Community & Stakeholder**

On 31 October 2013, the Department of State Development, Infrastructure and Planning agreed to extend the relevant period for two (2) years to allow for clearing of vegetation on the site associated with the development.

**Internal Consultation**

Departments/Sections Consulted:

- Community Services
  - Disaster Management & Public Order
  - Waste & Environmental Health
  - Community Facilities
  - Cultural Facilities

- Planning & Infrastructure
  - Building & Plumbing Services
  - DA Planning
  - Strategic Land Use Planning
  - Asset Design & Investigations
  - Asset Planning
  - Civil Operations
  - Environment

- Executive Office
  - Community Engagement
  - Customer Service
  - Executive Support
  - Governance
  - Human Resources

- Corporate Services
  - Finance
  - ICT
  - Procurement & Fleet
  - Property & Facilities
  - Revenue Services
Zone Map
ATTACHMENT 3

Approved Site Plan