



## STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

### APPLICANT DETAILS

Applicant name: Jackal Renewables Pty Ltd

### APPLICATION DETAILS

Application number: 2491/2018/MCU

Application type: Material Change of Use

Approval sought: Development Permit

Description of proposed development: Material Change of Use - Special Industry (Waste recycling and reprocessing – waste transfer station, crushing, milling or grinding), Caretakers Residence and Environmentally Relevant Activities (ERA33, ERA54(1) and ERA62(1)(a))

Level of Assessment: Impact

### SITE DETAILS

Street address: Lot 73 Rhondda Road, NEW CHUM QLD 4303

Real property description: Lot 73 SP 128662

### DECISION

Date of decision: [TBC]

Decision: Approved in full with conditions

Decision Authority: Full Council

#### 1. Reasons for the Decision:

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the Assessment Benchmarks applicable to the development, with the exception of those set out in Part 3 – Compliance with Benchmarks.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

## 2. **Assessment Benchmarks**

The following are the assessment benchmarks applying for this development:

<b>Categorising Instrument</b>	<b>Assessment Benchmarks</b>
Planning Regulation 2017, Schedule 10	Part 5, division 3 – Environmentally Relevant Activities
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	Desired Environmental Outcomes and Performance Indicators (Part 3) Regionally Significant Business and Industry Areas Code (Part 6) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Local Government Infrastructure Plan (Part 13) Planning Scheme Policy 3 General Works Planning Scheme Policy 5 Infrastructure
Temporary Local Planning Instrument	TLPI No. 1/2018 (Waste Activity Regulation)

### 3. Compliance with Benchmarks

The following are the reasons why the application was approved despite the development not complying with the following assessment benchmarks:

Categorising Instrument, Assessment benchmark	Reasons for approval despite non-compliance
<b>Temporary Local Planning Instrument - TLPI No. 1/2018 (Waste Activity Regulation)</b>	
<b>3. Overall Outcomes/Purpose of the Swanbank/New Chum Waste Activity Code</b>	
(2)(a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank/New Chum Waste Activity Code, constitutes undesirable development and are unlikely to be approved.	<p>It is noted that the application was lodged prior to the implementation of the Temporary Local Planning instrument. Notwithstanding, consideration has been given to the TLPI and assessment undertaken.</p> <p>As outlined below, the proposed development does not strictly comply with Specific Outcome 4(3) of the Waste Activity Code. However, through the imposition of conditions included within the Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i>, the risks associated with this non-compliance are considered to be appropriately managed.</p>
<b>4. Specific Outcomes of Swanbank/New Chum Waste Activity Code</b>	
(3) The use of the premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Swanbank/New Chum Buffer Area or the Swanbank/New Chum Waste Activity Area as shown on the Swanbank/New Chum Waste Activity Area Map.	<p>It is noted that a portion of the compost manufacturing use (as defined by the TLPI) is undertaken in an unenclosed area, namely the processing pad which is open hardstand. This area will be used for the loading of the Mineral Mulch and Easy Spread products, in addition to the unloading of fibre cement waste from trucks. Acid sulphate soil temporary storage and treatment will also take place on this processing pad.</p> <p>The processing of the Mineral Mulch and Easy Spread products will be undertaken in an enclosed area.</p> <p>The raw materials bought to the site will be stored in a raw material stockpile which is enclosed on three sides. Likewise the product stockpiles will be stored in the product stockpile which is enclosed on three sides.</p> <p>The materials stored on the processing pad are considered to be temporary in nature, before</p>

	<p>they are either moved to the raw material stockpile or exported off site. . The applicant has provided a number of technical reports which demonstrates that the proposed use will not have adverse impacts to surrounding residential areas. To ensure the findings/recommendations of these reports are adhered to, conditions have been recommended. Furthermore, the Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which includes requirements relating to use areas, stockpiles, waste, acoustic, air, land and water.</p> <p>Given the above, it is considered that through the temporary use of this area and the imposition of conditions, the risks associated with the “Compost Manufacturing Unenclosed” component of the use can be appropriately managed.</p>
<b>Ipswich Planning Scheme 2006</b> <b>Part 6 – Regionally Significant Business Enterprise and Industry Areas</b>	
<b>Part 6, Division 3 – Overall and Specific Outcomes for the Regionally Significant Business and Industry Areas</b>	
<i>Overall Outcome 6.7(a)(i)(D) – Overall Vision:</i> Development is of the highest environmental standards and occurs in a fully master planned and landscaped setting.	The subject site does not form part of a master planned setting, however it is consistent with the uses expected within the Regional Business and Industry Investigation Zone. The proposed development is not considered to preclude the future development of the site or surrounding lands for their intended purposes in accordance with the planning scheme.

**4. Relevant matters for development subject to impact assessment**

Not applicable.

**5. Matters raised in submissions for development subject to impact assessment**

Matter raised	How matters were dealt with in reaching a decision
<b>Proposed development contravenes the Temporary Local Planning Instrument</b> <ul style="list-style-type: none"> <li>The proposed use will have amenity and nuisance impacts.</li> <li>The proposed use will have airborne emissions (including smoke and dust).</li> <li>The proposed use will have noise</li> </ul>	<p>It is noted that the application was lodged prior to the implementation of the Temporary Local Planning instrument. Notwithstanding, consideration has been given to the TLPI and assessment undertaken.</p> <p>The majority of the concerns in relation to</p>

<p>impacts.</p> <ul style="list-style-type: none"> <li>• The proposed use will have environmental impacts.</li> <li>• The proposed use does not protect ground water quality and does not improve the management of the catchment.</li> <li>• Unenclosed compositing need to be fully enclosed to comply with the TLPI – unlikely that this can be achieved.</li> </ul>	<p>non-compliance with the TLPI related to the co-generation plant. It is noted that since public notification took place, the applicant has changed the application to remove the co-generation plant. Accordingly, concerns relating to this aspect of the use is no longer applicable.</p> <p>In addition, both the concurrence agency response conditions and Environmental Authority (EA0001872) include conditions relating to environmental impacts (air, noise, land, water).</p> <p>It is considered that, subject to the imposition of conditions, the proposed use will not have adverse amenity impacts on surrounding residential areas.</p>
<p><b>Adverse amenity impacts (generally)</b></p> <ul style="list-style-type: none"> <li>• The proposed use will not improve the amenity of nearby residential areas and poses a serious health risk by introducing a new source of noise and air pollution – particulate emissions from excessive dust generation and smoke from a cogeneration plant.</li> <li>• The proposed use will add to the adverse amenity impacts already being experienced by to other waste industry operations in New Chum and Swanbank</li> </ul>	<p>Since public notification took place, the applicant has changed the application to remove the co-generation plant. Accordingly, concerns relating to this aspect of the use is no longer applicable.</p> <p>The applicant provided an Air and Noise Assessment which identified that compliance at the existing and potential future sensitive receptors is predicted provided subject to a number of measures being implemented.</p> <p>The concurrence agency response provided by the Department of State Development, Manufacturing, Infrastructure and Planning provided conditions requiring noise mitigation measures to be undertaken in accordance with the submitted report.</p> <p>Furthermore, the Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which includes requirements relating to use areas, stockpiles, waste, acoustic, air, land and water.</p> <p>Accordingly, it is considered that, subject to the imposition of conditions, the proposed use will not have adverse amenity impacts on surrounding residential areas.</p>
<p><b>Adverse amenity impacts from air pollution (smoke and dust)</b></p>	<p>The applicant provided an Air and Noise Assessment which identified that compliance</p>

<ul style="list-style-type: none"> <li>• The proposed use is located 300m from land designated as Low Density Residential, 630m from existing Collingwood Park residence, less than 1km from other homes, 1.6km from Wood links State School and Six Mile Creek.</li> <li>• Dust from trucks on unsealed roads, handling of crushed materials, mixing materials with soils, loading ash from the co-generation plant onto trucks and wind erosion over stockpile will not be fully contained inside a building.</li> <li>• Additional truck traffic on unsealed road would add to that already generated by the waste industry on local roads and highways.</li> <li>• Emissions from co-generation plant will be released straight into the atmosphere.</li> <li>• Products may contain silica, and may cause disease including silicosis (as dangerous as asbestos).</li> <li>• How is council governing air quality (no monitoring process in place and hence cannot assess the effects so far).</li> <li>• Risk of asbestos contaminated material (which is easily airborne).</li> <li>• Increase in traffic (72-112 truck movements per day) – contributes to increase in dust.</li> <li>• National clean air bill signed by all states – adding landfills does not reduce air pollution and therefore a breach of legislation.</li> </ul>	<p>at the existing and potential future sensitive receptors is predicted provided subject to a number of measures being implemented.</p> <p>The Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which, amongst other items, included conditions relating to odours or airborne contaminants not causing an environmental nuisance to any sensitive or commercial place.</p> <p>Accordingly, it is considered that, subject to the imposition of conditions, the proposed use will not have adverse air pollution impacts on surrounding residential areas.</p>
<p><b>Adverse amenity impacts from noise pollution</b></p> <ul style="list-style-type: none"> <li>• Equipment proposed to be used is very noisy.</li> <li>• Proposed structure is unlikely to prevent noise propagation to surrounding areas.</li> <li>• Additional noise created by haul trucks loading and unloading, front loads and bobcat.</li> <li>• Applicants report demonstrates that noise exceeded from 7am to 6pm at areas earmarked for future residential in Collingwood Park.</li> <li>• Noise impacts likely to degrade the</li> </ul>	<p>As outlined above, since public notification took place, the applicant has changed the application to remove the co-generation plant. Accordingly, concerns relating to this aspect of the use is no longer applicable.</p> <p>The applicant provided an Air and Noise Assessment which identified that compliance at the existing and potential future sensitive receptors is predicted provided subject to a number of measures being implemented.</p> <p>Further, the concurrence agency response provided by the Department of State Development, Manufacturing, Infrastructure</p>

<p>amenity of residential areas, particularly Collingwood Park.</p> <ul style="list-style-type: none"> <li>• It is request that a 5 dB(a) typical façade noise reduction be applied instead of 7dB(A) (consistent with that requested for the Cleanaway land fill expansion proposal).</li> <li>• No information was presented in relation to the siting of the noise modelling equipment.</li> <li>• Modelling shows an exceeded of the continuous noise criteria during 7am to 6pm period at the further residential area to the east by up to 1 dB.</li> <li>• Proposed shipping container structure has gaps and is likely to amplify and reflect noise.</li> <li>• Noise report relies on assumptions such as sealing gaps and using sound absorbing material to achieve required sound attenuation.</li> <li>• It is unrealistic to have doors at either end of the container structure due to operational requirements.</li> <li>• Acoustic enclosure for the co-generation plan is not shown on the plan.</li> <li>• Concerns raised in relation to the unknown noise impacts of the co-generation plant.</li> <li>• No guarantee that mitigation methods will be adopted – some recommendations of the report are unrealistic.</li> <li>• Noise was modelled for Riverview State School (2km away) but not Six Mile Estate (less than 1.5km away).</li> <li>• Noise and airborne particulate modelling has not be provided for onsite personal – likely to challenge Workplace Health and Safety Regulations.</li> <li>• It is request Council seek independent advice regarding the modelling and findings of the submitted material.</li> </ul>	<p>and Planning provided conditions requiring noise mitigation measures to be undertaken in accordance with the submitted report.</p> <p>The Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which, amongst other items, included conditions relating to acoustics, including:</p> <ul style="list-style-type: none"> <li>• noise limits</li> <li>• hours of operation (6am-7am is limited to truck deliveries and unloading/loading materials only and 7am to 6pm for shedder and grinding/screening equipment)</li> <li>• requirements for the enclosed processing area</li> <li>• noise monitoring requirements.</li> </ul> <p>Accordingly, it is considered that, subject to the imposition of conditions, the proposed use will not have adverse noise impacts on surrounding residential areas.</p>
<p><b>Proposed co-generation plan</b></p> <ul style="list-style-type: none"> <li>• Dirty form of electricity production.</li> <li>• Emissions from co-generation plant will be released straight into the atmosphere.</li> </ul>	<p>Since public notification took place, the applicant has changed the application to remove the co-generation plant. Accordingly, concerns relating to this aspect of the use is no longer applicable.</p>

<ul style="list-style-type: none"> <li>• Burning of green waste is difficult to burn and smoky.</li> <li>• Breathing in wood smoke can cause a number of serious respiratory and cardiovascular health problems.</li> <li>• MDF from C&amp;D waste contain a known carcinogen.</li> <li>• Burning of diesel proposed.</li> <li>• 24 hours per day 7 day a week operation will increase respiratory illnesses in the area.</li> <li>• Smoke will be detrimental to the health of the residences that live close to the development.</li> <li>• Waste incineration is expensive and the least efficient way to generate energy.</li> <li>• Waste incineration is polluting and worsens climate change.</li> </ul>	
<p><b>Location of the proposed Use</b></p> <ul style="list-style-type: none"> <li>• The proposed use is best suited to a rural location away from residential and urban areas, closer to the regions which will make use of the products.</li> </ul>	<p>The proposed use is considered to be consistent with the intent of the zone. Any potential impacts have been investigated through technical reporting.</p> <p>Subject to the imposition of conditions, the proposed use will not have adverse amenity impacts on surrounding residential areas.</p>
<p><b>Potential pollution of Six Mile Creek</b></p> <ul style="list-style-type: none"> <li>• The proposed use is located within the Six Mile Creek catchment and only a short distance up-gradient of the Six Mile Creek Riparian zone.</li> <li>• There is the potential for pollution of this waterway which leads to the Brisbane River (through flows of contaminated stormwater during high rain events.</li> <li>• It is important to not pollute this area with air and noise emissions and acid sulphate soils.</li> </ul>	<p>The Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which, amongst other items, included conditions relating to water, and in particular states that contaminants must not be released to any waters.</p> <p>Accordingly, it is considered that, subject to the imposition of conditions, the proposed use will not have adverse air pollution impacts on surrounding residential areas.</p>
<p><b>Procom Consultants Report (Technical Response – Wood to Power Project)</b></p> <ul style="list-style-type: none"> <li>• The report does not considered the emissions from the normal operation of the co-generation plant chimney stack.</li> <li>• A number of concerns with the report, as it relates to the wood-to-energy co-generation plant, was identified.</li> </ul>	<p>Since public notification took place, the applicant has changed the application to remove the co-generation plant. Accordingly, concerns relating to this aspect of the use is no longer applicable.</p>
<p><b>Proposed use will treat acid sulphate soils</b></p> <ul style="list-style-type: none"> <li>• Acid sulphate soils are difficult to treat</li> </ul>	<p>The Environmental Authority (EA0001872) issued by the Queensland Government under</p>



<p>and can cause environmental harm if not done right.</p> <ul style="list-style-type: none"> <li>• There is a risk of the layer between groundwater and contaminated soil being broken due to unstable ground (undermined and coal seams and tunnels).</li> <li>• If soil cannot be contained when it is stored then there will be an environmental disaster.</li> <li>• Stock pile of acidic soil creates danger of contamination of waterways (including plants and aquatic creatures).</li> <li>• Concerns regarding stockpiles when it rains and floods.</li> </ul>	<p>the <i>Environmental Protection Act 1994</i> includes a range of conditions which, amongst other items, includes conditions relating to contaminants not being released to any waters and land.</p>
<p><b>Risk of asbestos contamination</b></p> <ul style="list-style-type: none"> <li>• The proposed waste transfer station included construction and demolition waste and therefore there is the risk of asbestos contamination, which is easily airborne.</li> <li>• Increase in traffic will cause more dust containing asbestos to impact nearby residence.</li> </ul>	<p>The application material has indicated that asbestos will not be accessed to the site. In addition, the Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions which, amongst other items, includes requirements that the applicant must undertake should they be made aware that prohibited waste has been received.</p>
<p><b>Risks from Mineral Mulch</b></p> <ul style="list-style-type: none"> <li>• Risks associated with mineral mulch from fibre cement – should not be allowed in the suburbs.</li> </ul>	<p>Environmental Authority (EA0001872) issued by the Queensland Government under the <i>Environmental Protection Act 1994</i> includes a range of conditions relating to environmental impacts (air, noise, land, water). It is considered that the risks can be appropriately managed through the imposition of conditions.</p>
<p><b>Aggregated Environmental Score for activities</b></p> <ul style="list-style-type: none"> <li>• Each application should not be judged on its own merit and instead be assessed in the context of all the activities already in the area (i.e. combined aggregate environmental score).</li> <li>• Location should be taken into consideration.</li> <li>• Large amount of regulated activities in one area.</li> </ul>	<p>The application has been assessed in accordance with the requirements of the <i>Planning Act 2019</i>. Consideration has been given to the applicable legislation and the proposed use is considered to generally comply.</p>
<p><b>Compliance with Conditions</b></p> <ul style="list-style-type: none"> <li>• Residents have no confidence in the State Government or the Council when it comes to compliance at Ipswich dumps.</li> </ul>	<p>This submission is not considered to be a valid planning consideration.</p>

<ul style="list-style-type: none"> <li>• Applicant continues to demonstrate non-compliance with ICC and DES</li> </ul>	
<p>Application breaches council's responsibility under the laws to protect the health of its citizen and its responsibility to provide clean air environment and puts itself at risk of liability and costly law suits.</p>	<p>Assessment of the application is bound by the requirements of the <i>Planning Act 2019</i>. Consideration has been given to the applicable legislation and the proposed use is considered to generally comply.</p>
<p><b>Applicant uses miss information</b></p> <ul style="list-style-type: none"> <li>• Deed of agreement states untrue information which has mislead PGH into signing agreement.</li> </ul>	<p>The referenced deed was not ultimately required due to a change to the application to reduce the proposed vehicle size, resulting in the additional land being required to facilitate vehicle movements to/from the site.</p>
<p><b>Access to development</b></p> <ul style="list-style-type: none"> <li>• Who will maintain the access road</li> <li>• Chum Street is not designed for b-double truck transport.</li> <li>• No cumulative look at traffic effects along Chum Street.</li> </ul>	<p>Since public notification took place, the applicant has changed the application to reduce the proposed vehicle size of a 19 metre semi-trailer.</p> <p>The applicant has provided plans, signed by a RPEQ, which demonstrates that the proposed vehicle type can fit within the existing road reserve.</p> <p>Conditions have been recommended to ensure the road is constructed to an appropriate standard which is to be maintained by the applicant.</p>