

STATEMENT OF REASONS

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

APPLICANT DETAILS

Applicant name: Wood Mulching Industries Pty Ltd C/- Ethos Urban Pty Ltd

APPLICATION DETAILS

Application number: 3827/2019/CA

Application type: Reconfiguring a Lot and Material Change of Use

Approval sought: Development Permit

Description of proposed development: Combined Approval for:

- § Reconfiguring a Lot – One (1) lot into Two (2) lots with associated Easement (for access, servicing and shared facilities) and One (1) balance lot
- § Material Change of Use for Waste Activity (Compost Manufacturing Enclosed) over proposed Lot 1 of Development Approval 3827/2019/CA;
- § Material Change of Use for Waste Activity (Bio-Gas Facility) and associated Major Utility (Electricity/Gas Generation) over proposed Lot 2 of Development Approval 3827/2019/CA;
- § Material Change of Use for Environmentally Relevant Activity (ERA) 33 – Crushing, grinding, milling or screening more than 5,000t of material in a year (finished product screening);
- § Material Change of Use for Environmentally Relevant Activity (ERA) 53(a) – Organic material processing consisting of operating a facility for processing by way of composting more than 200t of organic material in a year by composting the organic material;
- § Material Change of Use for Environmentally Relevant Activity (ERA) 53(b) – Organic material processing consisting of operating a facility for processing by way of composting more than 200t of organic material in a year, by anaerobic digestion; and
- § Material Change of Use for Environmentally Relevant Activity (ERA) 54-1 – Mechanical waste reprocessing, that is operating a facility for receiving and mechanically reprocessing, in a year, more than 5,000t of inert, non-putrescible waste or green waste only

Level of Assessment: Impact

SITE DETAILS

Street address: 7006 Unnamed Road, SWANBANK QLD 4306

Lot 6 Unnamed Road, SWANBANK QLD 4306 (for access purposes)

Real property description: Lot 402 SP 283238, Lot 6 SP 196914

DECISION

Date of Original decision: 29 March 2022

Date of Negotiated Decision: 16 June 2022

Decision: Approved in full with conditions

Decision Authority: Growth Infrastructure and Waste Committee

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 relevant Assessment Benchmarks applicable to the development, or resolved a conflict between the benchmarks, or resolved a conflict between the benchmarks and a referral agency's response.
- 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:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10	Part 3, division 3 – Clearing native vegetation Part 5, division 3 – Environmentally Relevant Activities Part 18 – Urban Design
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) Urban Areas Code (Part 4) Regionally Significant Business and Industry Areas Code (Part 6) Development Constraints Overlays Code (Part 11, division 4) Vegetation Management Code (Part 12, division 4) Reconfiguring a Lot Code (Part 12, division 5) 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 Implementation Guideline No. 13 Provision of Electricity, Driveways and Crossovers, Footpaths, Kerb and Channel Implementation Guideline No. 24 Stormwater Management Implementation Guideline No. 28 Dispersive Soil Management
Temporary Local Planning Instrument	Temporary Local Planning Instrument (TLPI) No. 1 of 2020 (Waste Activity Regulation) - Swanbank / New Chum Waste Activity Area

3. Compliance with Benchmarks

The application was found to comply with the assessment benchmarks applying to the development.

4. Relevant matters

Relevant matter	Given regard to
Planning Regulation 2017, Schedule 10	Part 3, division 3 – Clearing native vegetation Part 5, division 3 – Environmentally Relevant Activities Part 18 – Urban Design
Planning Regulation 2017, s31(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s31(1)(g)	the common material.

5. Other Relevant Matters for development subject to impact assessment

Not applicable.

6. Matters raised in submissions for development subject to impact assessment

The following is a description of the matters raised in any submissions and how they were dealt with:

Matter raised	How matters were dealt with in reaching a decision
Odour from the green waste recycling businesses in Swanbank area are continually impacting people's lives (like enjoying outdoors, hanging out washing, and opening up their homes in the hotter months, having visitors etc) and potentially exposing residents of Ripley and surrounding area to other harms. Residents do not want more companies adding to odour issues that Council and the State Government are struggling to control.	The proposal to modify the existing outdoor composting operation to an enclosed operation (<i>with receipt, screening and finished product stockpiles being outdoors</i>), will result in a significant improvement in odour nuisance at nearby residential areas. Council's Environmental Planners have advised that the proposed Compost Manufacturing facility and Bio-Gas facility which is a change/expansion to the existing Waste Activity Use (pursuant to 4335/2011/MAMC/D), can achieve an improved amenity, environmental or community outcome to the current operation,

	subject to compliance with the terms and conditions of Environmental Authority P-EA-100119834 dated 4 February 2022 issued by DES for the subject proposal. A condition has been included in the recommendation requiring compliance with the site's Environmental Authority (EA) Permits issued by DES that includes specific conditions/requirements to appropriately manage air quality (odour and dust).
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