

Planning Report

APPLICATION FOR MATERIAL CHANGE OF USE –
HIGH IMPACT INDUSTRY – IMPACT ASSESSABLE,
LOT 1 RP742982 AND LOCATED AT 75
BOUGAINVILLE STREET, BROOKHILL

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Townsville City Council

**Received
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Ref: MCU:75 Bougainville

28 August 2024

Chief Executive Officer
Townsville City Council
PO Box 1268
Townsville Qld 4810

Attention: Planning and Development

Dear Sir/Madam

RE: APPLICATION FOR MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY LOCATED AT 75 BOUGAINVILLE STREET, BROOKHILL, - LOT 1 RP742982

1: Introduction

JVS Planning acts of behalf the owner, Stephen Blower, T/A Chop 'N' Chip Tree Fellas, with regard the above Impact Assessable development application for a High impact industry at 75 Bougainville Street, Brookhill and properly described as Lot 1 on RP7429982.

The application is made in accordance with s51 of the Planning Act 2016.

It is understood the fees applicable to this application are as follows and will be paid following a review of the lodgment of the application:

Material Change of Use – High impact industry (11,925m ²)	
i.e. Equal to or greater than 1,000m ² and less than 2,500m ² TUA	\$4,726
For each 100m ² of area or part thereof exceeding 2,500m ² TUA	\$12,093
Total	\$16,819

For payment of the application fee please email payment options to: chopnchiptreefellas@gmail.com

The application is supported by the following information:

- DA Form 1
- Authority of Owner to make the application
- Title search
- Proposal Plans

- Assessment against the Townsville City Plan
- Direction Notice – Dept Environment and Science
- Registration Certificate for ERA 33 - Mobile crushing and milling plant

2: Pre-lodgment/Background

A pre-lodgment meeting PLM23/0163 was held on 5 October 2023 with the client and Council Officers where comprehensive advice was provided with regard to submitting a development application. An application (MCU24/0002) was subsequently lodged to which an Action Notice was issued due to considerable shortfalls in the application detail. That MCU application has since been withdrawn.

3: The assessment framework

3.1: Townsville City Plan

The subject site is located within the Townsville City Council Local authority area and therefore the application is assessed in accordance with the Townsville City Plan. The subject site is within the Rural zone and more specifically the Grazing precinct where a High impact industry use is Impact assessable. Therefore, the application is assessed against the whole Town Plan and not just the relevant codes.

3.2: Planning Act 2016

The Planning Act 2016 (the Act) provides the framework for Queensland's planning system and coordinates local, regional, and State planning. The Act provides the framework in which a planning is made and is supported by subordinate planning legislation and instruments such as Planning Regulations, State Planning policies, Regional Plans and local planning schemes. The provisions of the Act are therefore applicable to the proposed development.

3.3: Planning Regulation 2017

The Planning Regulation 2017 (the Regulation) is established under the Act and provides support to with regard to functionality at a practical level. Assessment Manager, Referral Agencies, State Planning Policy (SPP) and State Development Assessment Provisions (SDAP) relevant to the development are determined by the Regulation. The provisions of the Regulation are therefore applicable to this development.

It is noted this application triggers referral to Referral Agencies, specifically Powerlink.

3.4: Regional Plan

The North Queensland Regional Plan (the Regional Plan) applies to the local government areas of Townsville City, Hinchinbrook Shire, Burdekin Shire, Charters Towers Regional, and Palm Island Aboriginal Shire. The Regional Plan was implemented in March 2020, and focuses on:

- expanding health and knowledge industries in and around the Townsville CBD and James Cook University, with potential for a future rapid transport link;
- supporting expanded land-based aquaculture developments to supply domestic and international markets;
- defence industries and future economic opportunities linked with the Australian-Singapore Military Training Initiative;
- supporting the development of agriculture-based energy production, diversifying agriculture and secondary cropping for bioenergy and biopharmaceutical opportunities;
- greater opportunities for tourism development on Palm Island and in conservation areas;
- opportunities for agricultural expansion in upper catchments (balanced with protection of the Great Barrier Reef);
- nominating opportunities for new renewable energy developments along key corridors and in proximity to major energy users;
- better addressing the resilience of the regional economy to climate change; and
- strengthen policy outcomes to support the consolidation of residential development to the Townsville Urban Area.

The Queensland Government developed the regional plan in close collaboration with local councils, traditional owners, state agencies, industry and the community.

The proposed development is considered to align with the goals outlined in the Regional Plan, specifically, Goal 1 – A leading economy in regional Australia.

4: The site

The subject property is located at 75 Bougainville Street, Brookhill and formally described as Lot 1 on RP742982, which is 11.48ha in area. The property is located within the Rural zone and more specifically the Grazing precinct where an application for a High impact industry is deemed to be Impact assessable. The subject land is adjoined to the north, east and south by an extractive Industry site operated by Goodsell Earthmoving that also includes a High impact industry (Organic material processing and mechanical waste reprocessing). The site adjoins Stuart Creek to the west

The local Roseneath development is located between the opposite bank of Stuart Creek and Flinders Highway and is within the Medium impact industry zone. Roseneath contains an eclectic mix of residential uses and various forms of industrial activities, of which many may not necessarily be compliant with the relevant Codes of the Townsville City Plan, or previous Planning schemes depending on when these uses may have commenced.

The subject land is undulating with the highest point being in the north east corner of the site which rises to 50m AHD. An electrical transmission line traverses the site across this section of the site. The land falls naturally to the west toward Stuart Creek which forms the western boundary. A dwelling house in which the owner of the site

resides in located centrally on the site. A silt retention pond is located to the south of the dwelling house to collect stormwater runoff from mulch stockpiles and liquid from vacuum trucks that deposit certified uncontaminated material on site. It is noted waste from the vacuum truck is often from Council approved operations.

Tree mulch has been in operation from the site for some time. Concrete crushing activities also previously operated from the site. However, it would appear no formal planning approval has been issued in relation to these uses. An application (MCU13/0042) for Landscape supplies was made in 2013 but has lapsed due to uncompleted tasks associated with the IDAS process. Concrete crushing ceased in 2019 due to the operator's health issues. The area of the site in which activity was undertaken contains remnant debris of that operation.

The site is affected by the following overlays:

- Airport environs overlay – Operational airspace – Airspace more than 15m above ground level;
- Airport environs overlay – Operational airspace – Airspace more than 90m above ground level;
- Bushfire hazard overlay – Medium and high bushfire hazard;
- Extractive resources overlay – Separation area;
- Extractive resources overlay – Resource/processing area;
- Flood hazard overlay – Medium hazard further investigation area;
- Landslide hazard overlay – Low, medium and high;
- Natural assets overlay – Environmental importance – high and very high



Figure 1 – Locality Plan – Aerial Photograph

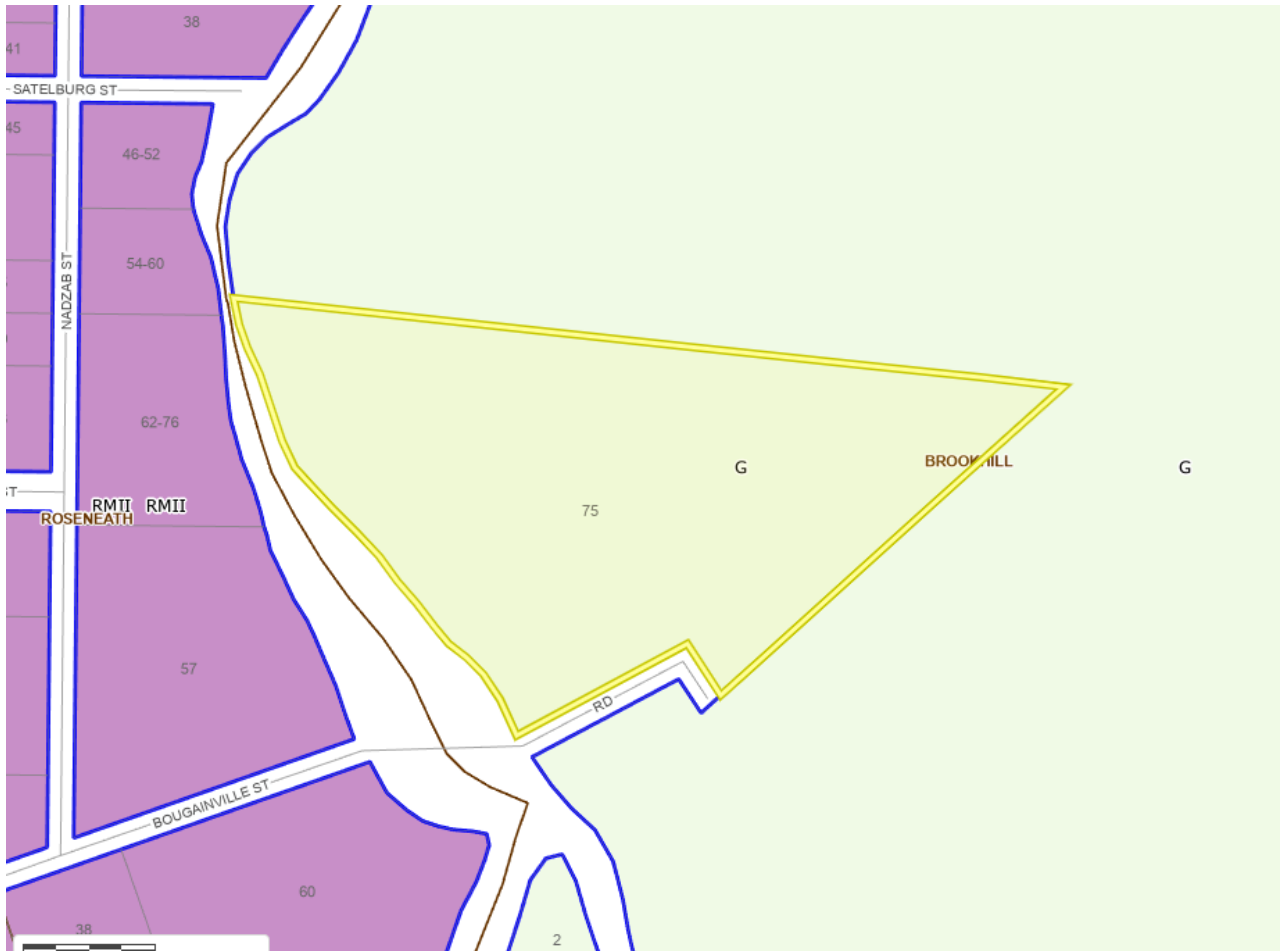


Figure 2 – Zoning – Rural (Grazing Precinct)

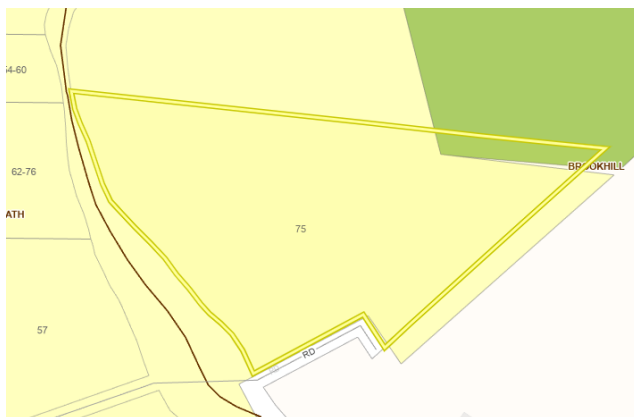


Figure 3 – Airport environs overlay

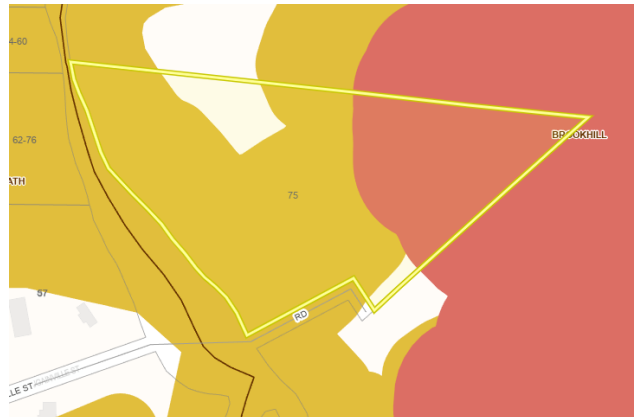


Figure 4 – Bushfire hazard overlay

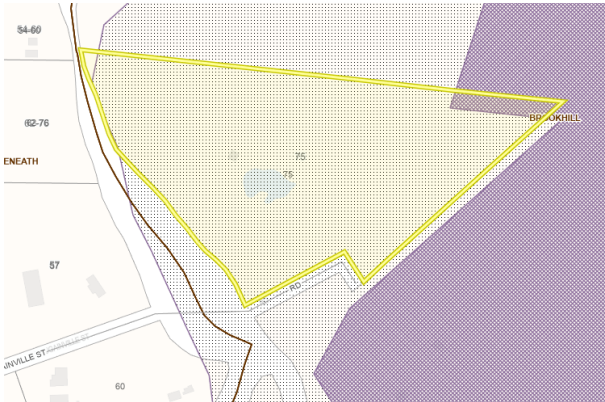


Figure 5 – Extractive resource overlay

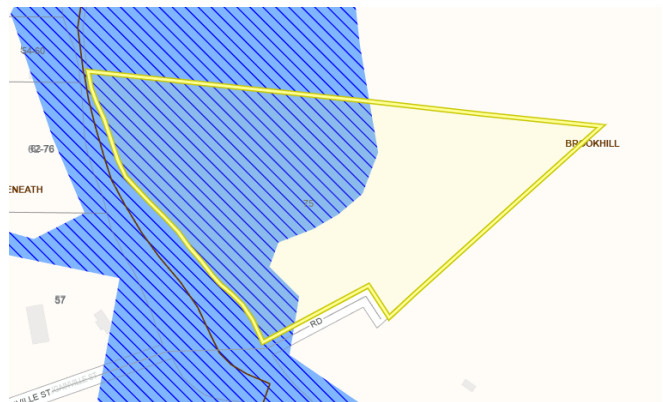


Figure 6 – Flood hazard overlay

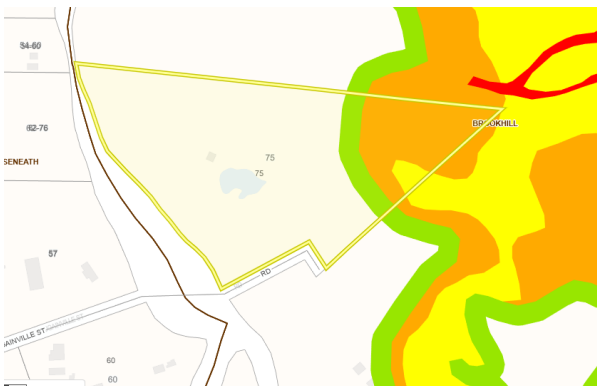


Figure 7 – Landslide hazard overlay

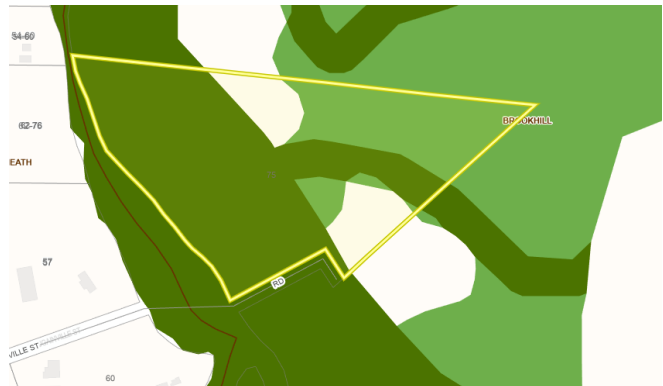


Figure 8 – Natural assets overlay

5: Proposal

The application proposes the commencement (or retrospective approval) of a High impact industry for the purposes of storing and mulching green waste and the acceptance of certified vacuum truck contents. The use has a through put of organic waste of 5,460t/annum.

The client operates a tree loping business and chips tree cuttings on specific work sites and transports the chipped product back to the subject site for storage into various graded stockpiles. In addition to tree chip from his own operation, chip and garden waste is also offloaded by other independent tree loping/chipping operators, of which the chipped product is similarly stored in graded stockpiles.

Garden waste collected by an independent contractor is also offloaded on site from a compaction truck (similar to Council's garbage trucks).

An external mulching contractor, Cairns Mulch, is used for one to two days annually to mulch the stockpiles of tree chip and garden waste for wholesale distribution. Mulching generally occurs for a 6-hour period and therefore at maximum, over a 12-month period would take 12 hours to complete.

The end mulched product is sold by wholesale to Flintstones Landscaping for retail sale. The sale of mulched product is limited to Flintstones Landscape Supplies only. Retail sale to the mulched product does not form part of the operation of this use and the general public are not permitted to enter the site.

Cairns Mulch operates under its own Environmental Authority, which carries with it conditions with regard to odour, noise and dust management. See attachments for that Environmental Authority.

In addition to the tree chip and garden waste, the site also accepts the contents from vacuum trucks which is generally sand and water. The waste is certified to be not contaminated and generally is from Council's own civil construction works.

Employees

The use employees three (3) staff who arrive on site in a company work vehicle. The staff then head off site to the various work sites in a truck that collects the tree chip with the chipper in tow and a second vehicle (4wd) that tows an elevated platform.

Hours of operation

Staff arrive on site at 7.00am Monday to Friday and return with the day's tree chip at approximately 1.30pm to off and load into the various stockpiles. The independent garden waste contractor has access to the site from 7.00am to 4.00pm Monday to Friday, with the vacuum truck having access at all hours due to nature of its use, e.g. emergency call outs.

Vehicle movements

Company	Trips/week (in/out)	Comments
Chop N Chip Tree Fellas	40	Trips include: <ul style="list-style-type: none">• work vehicles arriving am; and• vehicles leaving and returning to site for each day's work.
Skilled Trees	20	1 vehicle 4.5t -7t offloading 10 times a week.
Sun City Trees	10	1 truck offloading 5 times per week
Smiles Garden Bags	30	Operates 3 trucks up to 5.5t.
Flintstones	4	3 trucks used, 5t tipper, 13t truck and dog, 16.9t semi. On average mulch is collected twice weekly.
Vac Bora vacuum truck	Occasional	
Cairns Mulch		Vehicle movements associated with this mobile has not been included as it visits the site on an annual basis.
Total	100 (approx.)/week	

Wholesale distribution

Mulch in its final form is sold wholesale to Flintstones Landscape Supplies only. Mulch is collected by one of the three (3) vehicles described above. The 2022/2023 financial year records indicate a total of 59 collections were made. The loading of Flintstones vehicles is undertaken by a loader kept on site and is completed within 15 minutes.

Stockpiled material by contractor.

Company	Tonnage/annum	Comments
Chop N Chip Tree Fellas	960	1 truck offloading 5 times a week
Skilled Trees	2,500	1 vehicle 4.5t -7t offloading 10 times a week.
Sun City Trees	1,250	1 truck offloading 5 times per week
Smiles Garden Bags	750	15t/week
Total	5,460 (approx.)	

Odour, noise and dust nuisances

The stockpiling of the organic waste creates little to no nuisance issues. The on-site loader which has an adjustable reversing beeper pushes mulch products into stockpiles periodically.

Odour is not a concern with the use as there is no putrescible waste products that are stockpiled on site. A recent site visit confirmed the above.

Organic waste does not create airborne nuisances while in the stockpiled form. However, nuisances may occur during the mulching process in which the contract mulcher, Cairns Mulch has an environmental Authority that includes conditions with regard to dust nuisances. See Condition A2 of the attached environmental Authority.

REFERRAL REQUIREMENTS

6: State Assessment and Referrals

6.1: Planning Act 2016

The Act provides a framework for coordinating planning across local, regional and state levels. As the subject site is located on a state-controlled road, the application requires assessment by and referral to the State.

6.2: State Assessment and Referrals

Referral is required to Powerlink as part of the site is subject to an easement for a transmission grid or supply network. Accordingly, the application requires referral to SARA for the following trigger being:

Schedule 10, Part 9, Division 2, Table 1 Item 1 (a)(ii) (all or part of the lot is subject to an easement - for a transmission grid or supply network).

PLANNING ASSESSMENT

7: Townsville City Plan

7.1: Strategic Framework

The planning scheme incorporates a strategic framework, which sets the policy direction, and basis for ensuring appropriate development occurs within the planning scheme area.

The strategic framework is represented by the following four themes:

- (i) Shaping Townsville;
- (ii) Strong, connected community;
- (iii) Environmentally sustainable future; and
- (iv) Sustaining growth.

The strategic framework provides strategic outcomes for each of the above four themes. It is noted that the proposal furthers the outcomes sought by the above themes and their outcomes, particularly when considering:

- The development proposal seeks to obtain the appropriate development permits to ensure the ongoing operation of an environmentally beneficial use that is reducing landfill by the recycling of green waste;
- The proposed development, while being inconsistent with the development tables of the zone, is consistent with the uses of the general locality and is mindful of the established uses in the area; and
- The proposed development does not result in the fragmentation rural land. Moreover, given the limited rural capacity of the land, the proposed development is likely to be one of a limited number of uses that would provide some viability to the land;

7.2 Rural zone code

The purpose of the Rural Zone Code is to provide for a wide range of agricultural uses such as cropping, horticulture, animal industries, primary production and uses that are compatible with agriculture, and the surrounding environment. It ensures productivity and opportunities for rural production is maximised while maintaining the ecology and character of the land. The land is also within the Grazing precinct which is predominately broad hectare grazing.

Response

The development proposes the commencement of a High impact industry which is an inconsistent use within the zone. However, the subject land is only 11.48ha in area, undulating, void of any appropriate grazing vegetation, has been degraded by previous industrial type activities and adjoins an extensive industrial operation.

Performance outcomes	Acceptable outcomes	Response
For assessable development		
General benchmarks		
PO8 Development: (a) is located on the least productive parts of a site; (b) does not restrict the ongoing safe and efficient use of nearby rural uses; and (c) is adequately separated or buffered where it is likely to be sensitive to the operational characteristics associated with rural uses, rural industries, extractive industries or other lawful use.	No acceptable outcome is nominated.	(a) As indicated above, the land is far from being productive grazing land and therefore the location of the use thereon is considered to be an appropriate use of the site; (b) There are no nearby rural uses due to the nature of the site and surrounding uses; and (c) The land directly adjoins a significant extractive industry and associated industrial operations. Accordingly, the proposed use will not be sensitive to the operational characteristics of that adjoining use.
PO11 Development is designed and managed so that it provides appropriate protection for community health and safety, and avoids unacceptable risk to life and property.	No acceptable outcome is nominated.	The development proposes the storage and mulching of green waste. Mulching occurs annually and would be the only activity that may create any significant risk in terms of noise or airbourne nuisance. As indicated above, the mulching contractor an environmental licence with conditions ensuring such nuisances is managed appropriately. Further, it is noted the closest residence is located some 240m from the stockpiling areas. Operations associated with the Goodsell site are located some 150m to that same residence.

<p>PO12 Development does not adversely impact on the character, amenity or scenic values of the locality, having regard to:</p> <ul style="list-style-type: none"> (a) the scale, siting and design of buildings; (b) the visibility of buildings, structures and infrastructure; (c) likely emissions including water-borne contaminants, noise, dust, lighting and odour; and (d) the nature or volume of traffic generated. 	<p>No acceptable outcome is nominated.</p>	<p>As indicated above, the proposed development directly adjoins a significant industrial operation and therefore will have minimal and far less impact on the amenity of the area than that adjoining land use.</p> <p>The use does not propose the construction of any buildings and is screened from all residential development within the Roseneath area by existing vegetation.</p> <p>As indicated above, the use will produce minimal emissions.</p> <p>Weekly traffic generation is noted above. It is also noted these movements occur on Bougainville Street which is in a Medium impact industry zone where these traffic volumes would be deemed to be acceptable.</p>
<p>PO13 Ecological values, habitat corridors and soil and water quality are protected, having regard to:</p> <ul style="list-style-type: none"> (a) maximisation of vegetation retention and protection of vegetation from the impacts of development; (b) avoidance of potential for erosion and minimisation of earthworks; (c) retention and protection of natural drainage lines and hydrological regimes; and (d) avoidance of leeching by nutrients, pesticides or other contaminants, or potential for salinity. 	<p>No acceptable outcome is nominated.</p>	<ul style="list-style-type: none"> (a) The proposed development does not propose the removal of vegetation. The stockpile area is cleared and has been so since at least 2004 according to historical aerial imagery. (b) The site contains an existing silt dam. The mulch storage area naturally drains to this dam. Accordingly, there is no requirement for earthworks in relation to stormwater management. (c) As above. (d) The silt dam will act as a retention basin for any contaminants from the mulch piles.
<p>Grazing precinct</p>		
<p>PO19 Development in the vicinity of the Lansdown high impact industry precinct and the Lansdown motor sport facility precinct is to accommodate development consistent with the relevant zone code.</p>	<p>No acceptable outcome is nominated.</p>	<p>Not applicable – the site is not in the vicinity of Lansdown.</p>
<p>PO20 Reconfiguration is limited to reflect the suitability of the land for primarily grazing purposes and to protect water quality and ecological and landscape values.</p>	<p>AO20 The minimum lot size in the precinct is 400ha.</p>	<p>Not applicable – reconfiguration is not proposed.</p>

7.3: *Airport environs overlay code*

The purpose of the code is to ensure that development avoids adversely affecting the safe and efficient operations of the Townsville Airport, RAAF base and other aviation facilities. Development must not increase the risk to public safety and no worsening of people affected by significant aircraft noise is to be avoided.

Code response

The overlay mapping has identified the land is within the Operational airspace area where development is not to rise 15m and 90m above ground level. The development is located within the 90m limit zone of the code and does not propose any additional structures. Furthermore, in relation AO2(b), any dust generated from the proposed development will be managed by the use water in trafficable areas.

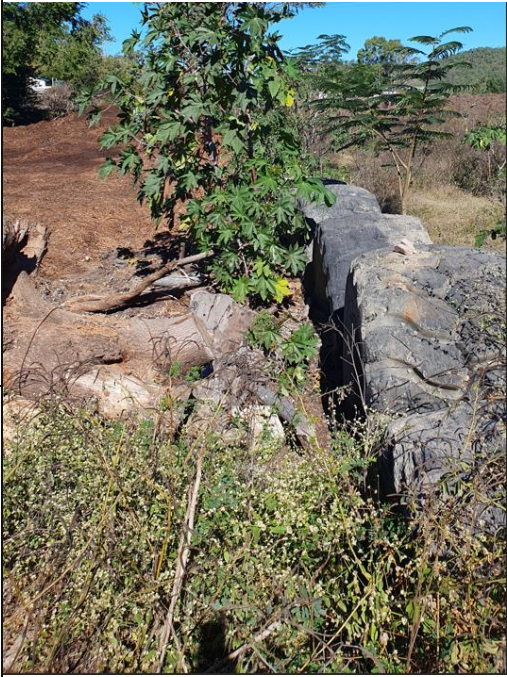
7.4: *Bushfire hazard code*

The purpose of the bushfire hazard overlay code is to ensure development does not increase the extent or severity of bushfire hazard or increase the risk to life, property, community, and the environment.

Code response

The development is within the medium bushfire hazard area. Development activity within areas of high hazard is not proposed. The development proposes the storage of bulk green waste which is not considered to be hazardous material by definition.

Performance outcomes	Acceptable outcomes	Response
General — all development Editor's note — Applicants should also refer to the Mitigating bushfire hazard planning scheme policy no. SC6.8 for additional information.		
PO3 Development mitigates the risk of bushfire hazard through the siting and design of the development. Editor's note —In demonstrating compliance with this performance outcome, applicants should be aware that setbacks and buffers for fire management purposes are in addition to any buffers or setbacks required for ecological purposes and are located outside of areas of ecological significance to the greatest extent possible.	No acceptable outcome is nominated.	The area in which the green waste is to be stored is cleared. Mulched stockpiles are maintained at a maximum of 250m ³ which is consistent with industry standards. Stockpiles of this size are manageable and should any smouldering within the stockpiles be noted they are turned over to eliminated to avoid fire hazard.
PO4 Development provides for an adequate and accessible water supply for firefighting purposes.	AO4.1.1 The development is connected to a reticulated water supply where within a water supply area. OR AO4.1.2 Where outside a water supply area a tank water supply is provided, at least one tank is	The area in which the green waste is adjacent to a silt dam in which water can be drawn from should it be required. Further, a 25,000 tanked water supply is provided on-site and can be used for firefighting purposes if required.

	<p>within 100m of a class 1, 2, 3 or 4 building which has fire brigade fittings.</p> <p>Editor's note - Applicant should also refer to the Development manual planning scheme policy SC6.4 - SC6.4.11.7 On-Site Water Supply</p>	No structures are proposed in this development.
<p>PO5</p> <p>Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk..</p>	<p>AO5</p> <p>Development does not involve the manufacture or storage of hazardous materials within a high or medium bushfire hazard area as identified on overlay map OM-02.</p>	Green waste is being stored on site which is not considered to be hazardous material by definition.
<p>PO9</p> <p>Development provides a fire break which also facilitates adequate access for firefighting and emergency vehicles, and safe evacuation.</p>	<p>AO9.1</p> <p>Lot boundaries and development sites are separated from hazardous vegetation by a distance of 20m where adjacent to high hazard areas and 10m where adjacent to medium hazard.</p> <p>AO9.2</p> <p>The separation area mentioned in AO9.1 contains a fire access trail that:</p> <ul style="list-style-type: none"> (a) has a minimum cleared and formed width of 6m; (b) has vehicular access at each end; (c) provides passing bays and turning areas for fire-fighting appliances; and <p>are either located on public land, or within an access easement that is granted in favour of council and QFRS.</p> <p>AO9.3</p> <p>Roads and trails:</p> <ul style="list-style-type: none"> (a) have a maximum gradient of 12.5%; and (b) do not involve a cul-de-sac. <p>Editor's note—Applicants should also be aware that Part 9 of the planning scheme sets out additional requirements for the construction of roads and other operational works associated with reconfiguration.</p>	<p>The stockpile area adjoining boundary of the subject land and Goodsell's site is sparsely vegetated and does not create a bushfire hazard. The photograph below has been taken along the adjoining boundary referred to above.</p> <p>Formed access tracks from the stockpile area and the existing residence to Bougainville Street is in place.</p> 

7.5: Extractive resources overlay code

The purpose of the Extractive resource overlay code is to ensure extractive resources are protected from development that might prevent or constrain current or future extraction or mining when the need for resource arises and to ensure extractive industry is operated in a way that minimises impacts on surrounding land uses and environmental values. This can be achieved by making sure development is not located where it is likely to have any adverse impacts on the extractive industry and that development does not increase the number of people living within a separation area for resource/processing area or transport route. It also ensures the extractive industry protects personal health and safety and minimises amenity impacts to the surrounding land uses and avoids any impacts to the environment.

Code response

The subject land is generally within the separation area and does propose an increase of people living within that area. Further, the use does not propose the construction of any buildings and will therefore not prevent or constrain current or future extraction or mining when the need for resource arises.

Performance outcomes	Acceptable outcomes	Response
Development other than extractive industry		
PO1 Development located within a resource/processing area maintains the long-term availability and efficient winning of the extractive resource for extraction and processing, except where the following can be demonstrated: (a) there is an overriding benefit to the community; and (b) the development cannot reasonably be located elsewhere.	No acceptable outcome is nominated.	The development is not located within a resource/processing area.
PO2 Development located in a separation area for a resource/processing area: (a) does not increase the number of people living in the separation area; and (b) minimises impacts from existing and future extractive industries on people working or congregating in the separation area; and does not compromise the function of the separation area as a buffer from incompatible uses outside the buffer area.	No acceptable outcome is nominated.	<p>The development will not increase the number of people living within the separation area. The development does not propose the inclusion of any infrastructure nor structures and therefore will not impact the future of any extractive industries in the general location.</p> <p>The client currently lives on site in a dwelling that would appear to have been in existence from around 1995 according to aerial photography imagery. Additional persons are only on site at the commencement of the work day and on their return to site at the end of the work day.</p> <p>Other than staff associated with the use, additional persons are only on site to deliver green waste for stockpiling, collecting mulched</p>

		product or the mobile mulcher that attends the site on an annual basis.
P05 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	No acceptable outcome is nominated.	Green waste is being stored on site which is not considered to hazardous material by definition.
P09 Development provides a fire break which also facilitates adequate access for firefighting and emergency vehicles, and safe evacuation.	No acceptable outcome is nominated.	The stockpile area adjoining boundary of the subject land and Goodsell's site is sparsely vegetated and create a bushfire hazard. A formed access track from the stockpile area to Bougainville Street is in place.

7.6: Flood hazard overlay code

The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas so that risk to life, property, community, economic activity and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on-site or to other property.

Code response

The site is affected by the Medium hazard – further investigation area. However, it is noted only the silt dam is located within the mapped overlay area with the stockpiling located outside of the mapped area.

Performance outcomes	Acceptable outcomes	Response
For accepted development subject to requirements and assessable development		
Development in medium and high hazard areas is designed and located to minimise susceptibility to and potential impacts of flooding. Editor's note —The Building Regulation 2006 may also establish requirements with which development will need to comply. The defined flood event is identified in this planning scheme as the 1% annual exceedance probability (AEP) flood and is mapped as the combined extent of the high and medium flood hazard areas identified on overlay map OM-06.1 and 06.2. Other than in the medium hazard – further investigation area, council will be able to make available the height of the flood level for any particular location upon request.	AO1.1 Where the development is located within an area shown on overlay map OM-06.1 or 06.2 as medium hazard – further investigation area, new buildings containing habitable rooms: (a) are sited on a part of the site which is outside the medium hazard – further investigation area; or (b) are sited on the highest part of the site. OR AO1.2	The development is not located within the medium hazard – further investigation area. The development does not propose the construction of any buildings.

Applicants must be aware that in some areas storm tide hazard areas will also co-exist with flood hazard areas. In these instances, the floor levels and other design responses will need to be sufficient to comply with this code, the Coastal environment overlay code and the <i>Building Regulation 2006</i> .	<p>Where development is located within another hazard area shown on overlay map OM-06.1 or 06.2:</p> <ul style="list-style-type: none"> (a) floor levels of all habitable rooms are a minimum of 300mm above the defined flood level; (b) floor levels of all non-habitable rooms (other than class 10 buildings) are above the defined flood event; (c) parking spaces associated with non-residential development are located outside the high hazard areas identified on overlay map OM-06.1 or 06.2; and <p>Editor's note—Class 10 buildings are identified under the Building Code of Australia and includes carports and outbuildings.</p>	
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7.7: **Landslide overlay code**

The purpose of the code is to manage development so that there is no increase to the severity of a landslide hazard and/or risk to life, property, community and the environment during landslide events. It ensures development is compatible with the nature of the landslide hazard.

Code response

The stockpiling of green waste is not located within the mapped overlay area. However, the vacuum truck disposal area is located within the low hazard area. As the development does not propose the construction of any buildings associated with the use, there is no risk to people or property operating within this area.

7.8: **Natural assets overlay code**

The purpose of the Natural Assets Overlay Code is to protect and maintain areas of environmental significance, and the ecological processes/biodiversity values of their ecosystems, water quality, and hydrological functions of waterway/wetland areas.

Code response

The stockpiling of green waste is generally outside of the very high environmental importance mapped area. The silt dam is located within the very high environmental importance mapped area and has been in situ since 2004/5 according to historical aerial photography.

It is also noted the silt dam has been situated on site to ensure any storm water runoff from the green waste and mulch stockpiles is diverted to the dam and not to the adjacent Stuart Creek.

8: Environmentally Relevant Activity

The use will require an application for an Environmental Authority as it is defined under the *Environmental Protection Act (1994)* as an Environmentally Relevant Activity – ERA 62, Resource Recovery and Transfer Facility Operation.

It is noted a Direction Notice was issued by the Department of Environment and Science in March 2023 as the use was found to be operating without the required Environmental Authority. The client and the applicant have been in regular communication with the Department in relation to complying with the Direction Notice and resolved that in the first instance application for a development permit for the Material Change of Use should in the first instance be resolved prior to any application for an Environmental Authority being submitted.

Consequently, should a development permit be granted, application for an Environmental Authority will be lodged accordingly.

9: Conclusion

The proposal is considered to be an appropriate development with the Rural zone as demonstrated above. The proposed development will result in minimal impact on the amenity of the area particularly given the intensity of the industrial activity on the adjoining land. As such, it is considered that the proposal is an appropriate development and should therefore be approved with reasonable conditions.

If you have any queries please do not hesitate to contact me on 0428136814.

Regards

Jeff Smith