DETAILED ASSESSMENT REPORT

REQUEST TO CHANGE DEVELOPMENT APPROVAL

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| ***SUMMARY SHEET*** |
| ***APPLICATION DETAILS*** |
| **Applicant:** | Earthborn Australia Pty Ltd |
| **Owner:** | Australian Recycling Machinery Pty Ltd Tte |
| **Consultant:** | Duggan & Hede Pty Ltd |
| **Proposal** | Change to Approval for Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends |
| **Properly Made Date:** | 21/11/2016Application amended 8/08/2018 |
| **Information Request Date:** | Not applicable |
| **Information Response Received Date:** | Not applicable |
| **Decision Due Date** | Not applicable |
| **Number of Submissions**  | Not applicable  |
| ***PROPERTY DETAILS*** |
| **Division:** | 5 |
| **Property Address:** | 262 Chevallum Road, PALMWOODS QLD 4555  |
| **RP Description:** | Lot 2 RP 213261 |
| **Land Area:** | 14.75 hectares |
| **Existing Use of Land:** | Composting and Soil Conditioner Manufacturing |
| **STATUTORY DETAILS** |
| **Planning Scheme:** | Town Planning Scheme for the Whole of the Shire of Maroochy 1985, having regard to Sunshine Coast Planning Scheme (31 July 2017) |
| **SEQRP Designation:** | Regional Landscape and Rural Production Area |
| **Planning Area / Locality:** | Not applicable |
| **Planning Precinct / Zone:** | Rural B / Rural |
| **Assessment Type:** | Change to development approval |

**PROPOSAL:**

The application seeks approval to change the conditions of the existing 1995 Town Planning Consent Permit primarily to amend conditions with regard to waste acceptance criteria. Specifically, the applicant is seeking to remove the ability to accept poultry farm floor waste and allow for the acceptance of water (non-regulated), mulch/greenwaste, animal manure (aged) and non-odorous food and drink waste.

The original Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends did not include an approved plan nor any conditions limiting the development footprint, other than conditions limiting the clearing of vegetation. The applicant has now provided a plan of layout which restricts the development footprint and associated infrastructure to the areas indicated.

Since lodgement of the permissible change request, the applicant has been issued with an Environmental Protection Order on 1 June 2018 by the Department of Environment and Science pursuant to section 358 of the *Environmental Protection Act 1994*. The requirements of the Environmental Protection Order, along with proposed works by Energex within their existing electricity easement on the site, have necessitated a full review of the environmental management regime of the current and intended operations of the facility.

In particular, the applicant now proposes the following environmental upgrades:

1. Minor revisions to the site layout to accommodate additional stormwater management requirements, including the provision of new stormwater basins, to meet the requirements of the State government in relation to water quality; and
2. The construction of a new (unenclosed) roofed structure over existing processing and product storage areas to maintain appropriate water quality runoff. This structure will remain under 8.5m in height and will comprise a portal frame steel structure with non-reflective roofing. The total covered area will be approximately 5,600m2.

Minor earthworks are required in association with the stormwater management works, however these do not necessitate a separate operational works approval. No removal of remnant vegetation would occur.

Notably, the change request does not involve an intensification of the existing approved use as it merely seeks to amend conditions to bring the approval in line with current best environmental practice, including the ability to accept a wider range of waste income streams and remove poultry farm floor waste. The proposed waste streams are consistent with the existing waste acceptance criteria under the Environmental Authority.

**BACKGROUND:**

A Town Planning Consent Permit for Mixing of Organic Material to Produce Soil Blends was issued by the former Maroochy Shire Council on 26 June 1995 (Ref: C947609). Earthborn Australia currently operate from the site under the existing Town Planning Consent Permit and an Environmental Authority for ERA No. 53 Composting and Soil Conditioner Manufacturing.

The use of the site primarily involves manufacturing a range of products to onsell to the landscaping, horticulture and agriculture sectors, including soils, mulch, potting mix and soil conditioners. An existing composting facility also operates on the site. Although the current operations constitute an existing lawful use, there have been some concerns amongst the local community regarding noise, dust and odour emanating from the site. Council’s Development Audit and Response team have been in discussions with the adjoining and nearby residents and the Divisional Councillor in relation to these matters.

It is noted that the existing Consent Permit included some conditions relating to noise and airborne emissions. However, the primary jurisdiction for these matters where operating under an Environmental Authority is the Department of Environment and Science. Hence the applicant’s request to rationalise some of the existing approval conditions in order to remove any ambiguity in relation to compliance matters.

**STATUTORY PROCESS:**

The applicant has requested to make a change to a development approval under s369 of the *Sustainable Planning Act 2009*. A request to change a development approval under s369 can only be made in circumstances where that change would constitute a ‘permissible change’.

The proposed change to the development approval requested by the applicant is determined to constitute a permissible change on grounds that:

* The change would not result in a substantially different development because:
	+ it would not involve a new use
	+ it would not involve an increase in the scale or intensity of the existing use
	+ it would not result in the application applying to a new parcel of land
	+ it would not change the ability of the proposed development to operate as intended
	+ it would not remove a component that is integral to the operation of the development
	+ it would not significant impact on traffic flow and the transport network
	+ it would not introduce new impacts or increase the severity of known impacts
	+ it would not impact on infrastructure provisions
* The change would not require the application to be referred to additional concurrence agencies;
* The change would not cause the application to require public notification;
* The original application was impact assessable and the proposed changes would not be likely cause a person to make a properly made submission because the change actually results in an improvement to the environmental management regime of the operations and would likely reduce any adverse impacts resulting from noise, dust and odour;
* The change would not cause the approval to involve prohibited development.

On this basis, the applicant has followed lawful process in making a request under s369 of the Act.

**ASSESSMENT:**

Section 374 of the *Sustainable Planning Act 2009* requires that the assessment manager *“must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made”.*

The applicable planning scheme in force at the time the original application was made is the *Town Planning Scheme for the Planning Scheme for the Whole of the Shire of Maroochy 1985*.

The existing use on the site is operating under a lawful development approval. The proposed changes do not seek to intensify the use, but merely seek to change the waste streams accepted on the site and bring the whole operation into line current environmental and best practice standards.

Notably, the site has an existing Environmental Authority (EA Permit Ref. EPPR00231113) for an Environmentally Relevant Activity, being ERA 53 – Composting and Soil Manufacturing >200 tonnes/year. Under the Environmental Authority, jurisdiction for the regulation of noise, dust, air quality and water quality rests with the State government (Department of Environment and Science). The applicant’s request to change the existing consent permit provides an opportunity to remove a number of jurisdictional overlaps between Council and the State government that exist as a result of changes to the regulatory environment.

**Conditions**

An assessment in relation to each of the submitted representations on the original conditions is provided below.

**Condition 1**

*1(a) If the new use authorised hereby has not commenced within a period of two years from the date hereof the Council may proceed in accordance with section 4.14 of the Local Government (Planning and Environment) Act 1990 to revoke this consent*

 *(b) This permit will automatically lapse where the authorised use has not been commenced within four years of the date hereof or here the authorised use has ceased for a period of at least twelve months.*

**Applicant’s Request**

As the use has now commenced in accordance with the development approval, the applicant requests that this condition be deleted and replaced with Council’s standard condition.

**Assessment of Request**

AGREED – Due to the approved use having been commenced and operating for many years, and the outdated reference to the now repealed *Local Government (Planning and Environment) Act 1990*, it is appropriate that this condition be deleted and replaced with Council’s standard condition which references development to be carried out generally in accordance with approved pans.

**Recommendation**

It is recommended that Condition 1 be amended as follows:

~~1(a) If the new use authorised hereby has not commenced within a period of two years from the date hereof the Council may proceed in accordance with section 4.14 of the Local Government (Planning and Environment) Act 1990 to revoke this consent~~

 ~~(b) This permit will automatically lapse where the authorised use has not been commenced within four years of the date hereof or here the authorised use has ceased for a period of at least twelve months.~~

1. **Unless otherwise stated, all conditions of this development approval must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.**

It is further recommended that a new Condition 1A be included to reflect the applicant’s proposed staging of the covered roof structures as follows:

**1A. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.**

**Condition 2**

1. *Compliance with all relevant By-laws, Town Planning provisions and Council Policies.*

**Applicant’s Request**

The applicant advises that this condition has limited relevance to the development approval and is better included as an advice note.

**Assessment of Request**

AGREE – The condition is considered to be too general and may result in ambiguity around which provisions and policies are applicable. It is considered appropriate to delete this condition and replace it with a standard condition requiring development to be undertaken in accordance with the approved plans.

**Recommendation**

It is recommended that Condition 2 be amended as follows:

1. ~~Compliance with all relevant By-laws, Town Planning provisions and Council Policies.~~
2. **Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this development approval.**

It is further recommended that a new advisory note be added to address matters under other applicable legislation as follows:

**Advisory Note**

**This approval relates to development requiring approval under the *Sustainable* *Planning Act 2009* only. It is the applicant’s responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the Sunshine Coast Council website** [**www.sunshinecoast.qld.gov.au**](http://www.sunshinecoast.qld.gov.au)**. For information about State and Commonwealth requirements please consult with these agencies directly.**

**Condition 3**

1. *The materials to be utilised on site shall be sawdust from hardwood and pine sawmills, poultry farm floor waste, sand, ash and pine bark.*

**Applicant’s Request**

The applicant has requested that this condition be amended to remove poultry farm floor waste and allow additional waste streams including water (non-regulated), mulch/green waste, animal manure (dried), cardboard and paper waste, food and food processing waste. The applicant also requests that the conditions reflect the allowable waste acceptance criteria under the existing Environmental Authority which allows for other organic waste materials of similar characteristics to the above waste streams, but excluding more odorous wastes such as poultry processing wast and biosolids.

**Assessment of Request**

AGREE – Council’s Environmental Health Officer has carried out an assessment of each of the proposed waste streams to be introduced to the facility and agrees that the removal of poultry farm floor waste is beneficial in terms of reducing odour emissions and any resulting amenity impacts on the nearby properties. It is also appropriate to allow for the inclusion of waste streams that are compliant with the current Environmental Authority issued by the State.

**Recommendation**

It is recommended that Condition 3 be amended as follows:

1. ~~The materials to be utilised on site shall be sawdust from hardwood and pine sawmills, poultry farm floor waste, sand, ash and pine bark.~~
2. **The materials to be utilised on site shall be:**
	1. **Animal manure (dried, stabilised);**
	2. **Ash**
	3. **Cardboard and paper waste;**
	4. **Food and food processing waste (non-putrefied);**
	5. **Green waste, including mulch**
	6. **Pine Bark**
	7. **Sand/Sandy soils**
	8. **Sawdust from Hardwood and Pine sawmills**
	9. **Water (non-regulated)**

**Poultry processing waste and biosolids are not permitted on site.**

**Condition 4**

1. *Chicken farm floor waste shall be incorporated into initial composting stockpiles upon arrival on site.*

**Applicant’s Request**

The applicant requests this condition be deleted given the facility would no longer accept poultry farm floor waste or other poultry processing waste.

**Assessment of Request**

AGREED – It is appropriate that this condition be deleted given the changes to Condition 3 above to specifically exclude poultry processing waste.

**Recommendation**

It is recommended that Condition 4 be deleted.

**Condition 5**

1. *The surface coating of sawdust on the initial composting stockpiles should be checked frequently, in particular after significant rainfall events and restoration of eroded areas undertaken as necessary.*

**Applicant’s Request**

The applicant requests that this condition be deleted as it no longer aligns with best practice methodology for composting and soil conditioning. In addition, the proposed roof structures over the material stockpiles as shown on the proposed plans will ensure minimal erosion and sediment entering the receiving waters. The proposed water quality measures are provided in the applicant’s Site Based Management Plan which is an operational manual for the ongoing environmental management of the site. Jurisdiction for water quality matters lies with the State government.

**Assessment of Request**

AGREE – It is agreed that this condition should be deleted to remove any ambiguities around jurisdiction for compliance in relation to water quality matters.

**Recommendation**

It is recommended that Condition 5 be deleted.

**Condition 8**

*8. Poultry farm floor wastes spilt upon road surfaces, manoeuvring areas and areas around the rotating screens are to be collected and reintroduced into the processing operation or disposed of to the satisfaction of the Chief Executive Officer.*

**Applicant’s Request**

The applicant requests this condition be deleted given the facility would no longer accept poultry farm floor waste or other poultry processing waste.

**Assessment of Request**

AGREED – It is appropriate that this condition be deleted given the changes to Condition 3 above to specifically exclude poultry processing waste.

**Recommendation**

It is recommended that Condition 8 be deleted.

**Condition 9**

*9. If the scheduling of mixing operations or the delivery of materials is such that at any time the requirements of condition 4 cannot be complied with then a dry storage area (an elevated and covered area) shall be provided to prevent rainwater contact with any chicken manure stockpile.*

**Applicant’s Request**

The applicant requests this condition be deleted given the facility would no longer accept poultry farm floor waste or other poultry processing waste.

**Assessment of Request**

AGREED – It is appropriate that this condition be deleted given the changes to Condition 3 above to specifically exclude poultry processing waste and the subsequent deletion of Condition 4.

**Recommendation**

It is recommended that Condition 9 be deleted.

**Condition 13**

*13. The stockpile area of the site as shown in the application to be enclosed by a levee of a height determined by a flood study as the equivalent of a 1 in 50 return period; the construction of the levee is not to result in the ponding of stormwater runoff from or onto adjacent properties.*

**Applicant’s Request**

The applicant requests that this condition be amended to reflect the submitted interim Stormwater Management Plan and revised site layout drawings.

**Assessment of Request**

AGREE IN PART - Stormwater management practices are covered by the Environmental Authority conditions, with the applicant’s Site Based Management Plan providing specific details as to who the Environmental Authority conditions will be met. As such, it is proposed that this condition be deleted.

**Recommendation**

It is recommended that Condition 13 be deleted.

**Conditions 14 & 15**

*14. No leaching from stored material is to enter any other property; during period of high rainfall any seepage of liquid or movement of material is to be cleaned up, as soon as possible, to eliminate any potential odour problem.*

*15. To achieve compliance with condition 14 the levee bank will be designed and constructed to contain all stormwater and runoff which is to be collected and reused to wet down the stockpiles.*

**Applicant’s Request**

The applicant requests that this condition be amended to reflect the submitted interim Stormwater Management Plan and revised site layout drawings.

**Assessment of Request**

AGREE IN PART – Condition 14 relates to leachate and odour measures which are already covered by the applicant’s Site Based Management Plan addressing the Environmental Authority conditions. To remove any jurisdictional overlap, it is therefore recommended that Condition 14 be deleted.

Condition 15 relates to collection of stormwater for reuse on site. Stormwater management practices are covered by the applicant’s Site Based Management Plan addressing the Environmental Authority conditions. To remove any jurisdictional overlap, it is recommended that Condition 15 be deleted.

**Recommendation**

It is recommended that Conditions 14 and 15 be deleted.

**Condition 16**

*16. No additional clearing of the site is to be undertaken.*

**Applicant’s Request**

The applicant requests that this condition be amended to allow for a small area of vegetation to be cleared to accommodate the new stormwater basins as indicated on the proposed plans.

**Assessment of Request**

AGREE IN PART – Council’s Ecologist has undertaken a site inspection and has confirmed that the majority of the area proposed for the new stormwater basin is highly degraded and has become heavily infested with weed growth and several declining Melaleuca quinquenervia. It is considered that this area is well suited for the location of the additional basin as it is positioned with in an existing cleared area of the site and protects and maintains the intact vegetation to the south of the proposed basin.

A small stand of native vegetation (approximately 200m2) would, however, be required to be offset in accordance with the *Planning scheme policy for biodiversity offsets*.

**Recommendation**

It is recommended that Condition 16 be amended as follows:

16. No additional clearing of the site is to be undertaken **other than required for the additional basin storages, as indicated on the Approved Plans, unless approved by the assessment manager. Any native vegetation removed that cannot be avoided must be offset in accordance with the *Planning scheme policy for biodiversity offsets*.** **Vegetation Offset works must be undertaken in accordance with an Operational Works approval.**

**Condition 17**

*17. The operators to obtain the appropriate Environmental Protection Act licence after the declaration of the use as an environmentally relevant activity, effective from 1 July 1996. The operation at commencement shall comply with currently available guidelines for this industry.*

**Applicant’s Request**

The applicant requests that this condition be amended or deleted as it is considered to be superfluous.

**Assessment of Request**

AGREE – The applicant has been operating under an Environmental Authority for the ERA 53 for many years. It is therefore agreed that this condition is superfluous. Further, the proposed Advisory Note mentioned above in relation to Condition 2 states that *“It is the applicant’s responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation…”* which is sufficient to cover any licences or permits required under the applicable environmental legislation.

**Recommendation**

It is recommended that Condition 17 be deleted.

**Condition 19**

*19. Noise levels are not to exceed either 5dbA above background levels at the boundary of the site or 5dbA above background levels at the existing houses on the east side of Cheviot Road.*

**Applicant’s Request**

The applicant is requesting that this condition be amended to remove the reference to 5dbA and instead make reference to the noise mitigation measures detailed in the submitted Noise Impact Assessment prepared by MWA Environmental and dated 11 March 2016.

**Assessment of Request**

AGREE IN PART– While primary jurisdiction for noise matters in relation to an Environmentally Relevant Activity rests with the State government, it is Council’s responsibility to ensure the proposed acoustic barrier/mounding as the primary noise mitigation measure is captured under this approval. Once this has been constructed, certification is then required to be provided to Council to demonstrate compliance with the condition. Any future noise issues and/or complaints that occur in relation to site operations is then under the jurisdiction of the State government.

**Recommendation**

It is recommended that Condition 19 be amended as follows:

~~19. Noise levels are not to exceed either 5dbA above background levels at the boundary of the site or 5dbA above background levels at the existing houses on the east side of Cheviot Road.~~

**19. Within 6 months of the date of this development approval, the development must implement the noise mitigation measures detailed in Section 5.4 of *Noise Impact Assessment Report* referenced within this development approval, including a 6m high acoustic barrier detailed in section 5.3 of the *Noise Impact Assessment Report*. Certification must be submitted to Council from a qualified person\* that the noise mitigation measures have been constructed and implemented in accordance with section 5.3 and 5.4 of the *Noise Impact Assessment Report.***

 ***(\*Refer to Advisory Note)***

It is also recommended a new advisory note be included as follows:

**Advisory Note**

1. **For the purpose of certifying acoustic matters or treatments for the development, a qualified person is considered to be either:**
2. **a Registered Professional Engineer of Queensland (RPEQ);**
3. **an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.**

**Condition 23**

*23. No earthworks for filling shall be carried out on the site until the issue of a building permit or with the approval of the Chief Executive Officer.*

**Applicant’s Request**

The applicant is requesting this condition be removed given the earthworks carried out on the site to meet the requirements of the Environmental Protection Order are considered to be exempt development pursuant to Schedule 6 of the *Planning Regulation 2017* (Item 25 – Development directed under a State law).

**Assessment of Request**

AGREE – Any proposed earthworks to be carried out on the site would be in relation to compliance with the Environmental Protection Order and other aspects of the Environmental Authority which are both covered under separate legislation. Therefore, this condition is no longer warranted.

**Recommendation**

It is recommended that Condition 23 be deleted.

**Condition 26**

*26. Completed compost shall not be stockpiled on the site other than in a manner that complies with the requirements of the Department of Environment & Heritage.*

**Applicant’s Request**

The applicant is requesting this condition be amended to reference the approved plans and reference documents.

**Assessment of Request**

AGREE – The manner of stockpiling of compost is outlined in the applicant’s Site Based Management Plan and is dealt with under the conditions of the Environmental Authority. It is therefore agreed that this condition can be deleted.

**Recommendation**

It is recommended that Condition 26 be deleted.

**Other Consequential Changes to Conditions**

Due to the age of the approval (23 years) and the subsequent changes in Council policy and methods of conditioning development approvals, it is recommended that the following conditions be reworded and/or deleted to bring the approval more in line with current practice, and to align with current jurisdictional boundaries between Council and the State government. The changes recommended below have been reviewed and accepted by the applicant.

**Condition 6**

1. *All raw material stockpiles for sawdust, sand, ash and bark should be stabilised by appropriate means to prevent dust emissions.*

This condition relates to dust control measures which are already covered by the Site Based Management Plan and Environmental Authority conditions. It is therefore recommended this condition be deleted.

**Condition 7**

1. *Stockpiles of the sieved mix will need to be stabilised by appropriate means or kept within an enclosed shed to prevent air borne emissions.*

This condition relates to dust control measures which are already covered by the Site Based Management Plan and Environmental Authority conditions. It is therefore recommended this condition be deleted.

**Condition 10**

*10. The access driveway to be gravelled to a minimum depth of 200mm.*

Council’s Engineering Officer has advised that, in accordance with best practice and to prevent dirt and sediment being tracked onto the public road network, it is necessary to provide a sealed driveway surface from the road entry to all public parking and manoeuvring areas on the site. This would cover the length of driveway from the road to the administration building and associated staff/public parking. It is therefore recommended that Condition 10 be amended as follows:

~~10. The access driveway to be gravelled to a minimum depth of 200mm.~~

1. **Within 6 months of the date of this development approval, a sealed access driveway must be provided from Chevallum Road as per the requirements below. The works must be undertaken in accordance with an operational works approval and must include in particular:**
2. **a driveway crossover generally in accordance with AS2890.2 Off-Street Commercial Parking – Figure 3.1 to include a minimum driveway width of 12.5m at the edge of the deceleration lane, tapering to a minimum width of 6.0m for a distance of 20m inside the property boundary, to permit two-way traffic at the intersection and internally.**

**Condition 11**

*11. A deceleration lane is to be provided on Chevallum Road with a connection to the access road. The level at the access road is to be raised in the area of the road frontage and drained, all to the satisfaction of the Chief Executive Officer.*

The applicant has fulfilled this condition as part of the original site works. It is therefore recommended that Condition 11 be amended as follows:

11. A deceleration lane is to be provided on Chevallum Road with a connection to the access road. ~~The level at the access road is to be raised in the area of the road frontage and drained, all to the satisfaction of the Chief Executive Officer.~~

**Condition 12**

*12. The area between the access road and the property boundary and the proposed levee and the property boundary to be landscaped and maintained to the satisfaction of the Chief Executive Officer.*

It is recommended Condition 12 be amended to remove reference to the Chief Executive Officer as follows:

12. The area between the access road and the property boundary and the proposed levee and the property boundary to be landscaped and maintained. ~~to the satisfaction of the Chief Executive Officer.~~

**Condition 18**

*18. Works associated with this use are not to be carried out between the hours of 6.00pm and 7.00 am Monday to Saturday or any time on Sundays or Public Holidays.*

It is recommended that Condition 18 remain unchanged.

**Condition 20**

*20. All loading and unloading of vehicles to be carried out on site, and all vehicles engaged in the use to be parked on site.*

It is recommended that Condition 20 remain unchanged.

**Condition 21**

*21. All loaded vehicles to have the load covered.*

It is recommended that Condition 21 remain unchanged.

**Condition 22**

*22. Heavy vehicle trips are not to exceed 40 per day (a vehicle entering and then leaving being 2 trips) averaged over a calendar month, the Council may require details of loadings at any time or may install a vehicle movement counter within the access way to monitor movements, the Chief Executive Officer may approve of a greater number of trips where circumstances warrant.*

Where any exceedance of the vehicle trip numbers is proposed by the applicant, a request to change the existing development approval would be required in accordance with the applicable planning legislation in effect at the time. It is not current practice for a condition to explicitly state that the Chief Executive Officer “may approve a greater number of trips where circumstances warrant.” It is therefore recommended that Condition 22 be amended as follows:

22. Heavy vehicle trips are not to exceed 40 per day (a vehicle entering and then leaving being 2 trips) averaged over a calendar month**.** ~~, the~~ Council may require details of loadings at any time**,** or may install a vehicle movement counter within the access way to monitor movements**.**~~, the Chief Executive Officer may approve of a greater number of trips where circumstances warrant~~.

**Condition 24**

*24. Filling, other development works, or the erection of any buildings or other structures shall be carried out so as not to cause any ponding of water on adjoining land or any blockage or interference with any natural watercourses or in any way unduly affect adjoining property. In any case where it is unavoidable that the proposed development may cause any of the above disabilities, such remedial drainage or other works shall be carried out to the requirements of the Chief Executive Officer. The design of such works shall be approved by the Chief Executive Officer prior to the issue of a building permit.*

It is recommended that Condition 24 be amended to remove reference to the requirement for approval by the Chief Executive Officer as follows:

24. Filling, other development works, or the erection of any buildings or other structures shall be carried out so as not to cause any ponding of water on adjoining land or any blockage or interference with any natural watercourses or in any way unduly affect adjoining ~~property.~~ **properties.** ~~In any case where it is unavoidable that the proposed development may cause any of the above disabilities, such remedial drainage or other works shall be carried out to the requirements of the Chief Executive Officer. The design of such works shall be approved by the Chief Executive Officer prior to the issue of a building permit.~~

**Condition 25**

*25. Disposal of sewage and sullage wastes on site to the satisfaction of the Chief Executive Officer. Designs to be approved prior to the issue of a building permit.*

A separate septic and sullage permit has been granted by Council (permit no. 678). This condition has therefore been fulfilled and it is recommended that Condition 25 be deleted. Any further works to expand or replace the existing sewage system would require a separate plumbing approval from Council in isolation of this development approval.

**Condition 27**

*27. All of the above requirements to be fulfilled prior to the commencement of the use.*

This condition is addressed under amended Condition 1 as recommended. It is therefore recommended that Condition 27 be deleted.

**Approved Plans and Referenced Documents**

It is recommended that the following plans become approved plans for the development:

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| **Plan No.** | **Rev.** | **Plan Name** | **Date** |
| Figure 002 | - | *Proposed Site Configuration – Whole of Site*, prepared by ATC Williams | 03/08/18 |
| Figure 003 | A | *Proposed Site Configuration - Operational Area*, prepared by ATC Williams | 07/08/18 |
| EB1771-C2-02 | B | *Proposed Site Layout Plan*, prepared by Duggan & Hede Pty Ltd | 23/07/18 |
| EB1771-C2-03 | A | *Covered Area ‘A’ – Plan & Elevation*, prepared by Duggan & Hede Pty Ltd | 23/07/18 |
| EB1771-C1-04 | A | *Covered Area ‘B’ – Plan & Elevation*, prepared by Duggan & Hede Pty Ltd | 23/07/18 |

It is recommended that the following documents become referenced documents for the development:

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| --- | --- | --- | --- |
| **Document No.** | **Rev.** | **Document Name** | **Date** |
| 15-135 | 1 | *Noise Impact Assessment*, prepared by MWA Environmental Pty Ltd | 11/03/2016 |