

From: [Teresa Luck](#)
To: [Graeme Bolton](#)
Subject: FW: Landfill in Ipswich
Date: Thursday, 29 March 2018 2:44:50 PM
Attachments: [image001.png](#)
[Blue-Logo_8170cef1-8e35-4236-a5ba-1040a03c9746.jpg](#)
[Mayor Andrew Antoniolli - Waste and landfill issues.pdf](#)
[Waste Activity Location Map 1_sml.pdf](#)
[Waste Activity Location Map 2_sml.pdf](#)
[image003.png](#)
[image004.png](#)

As requested.

Cheers
Teresa

Teresa Luck
Director
Office of the Deputy-Director General – Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 3452 7672 **M** Sch. 4(4)(6) - Disc
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From: John Adams [mailto:John.Adams@ipswich.qld.gov.au]
Sent: Tuesday, 6 March 2018 5:39 PM
To: Kerry Doss <Kerry.Doss@dsdmip.qld.gov.au>
Cc: John Adams <John.Adams@ipswich.qld.gov.au>
Subject: RE: Landfill in Ipswich

Hi Kerry.
Thanks for returning my call yesterday.

Please find attached a copy of our Mayor's letter to the Minister.

I have also attached two (2) maps indicating the significant concentration of landfills and waste industries at both Swanbank/New Chum and Ebenezer/Willowbank. It is also worth noting the proximity of these sites to both existing and approved/planned residential areas.

As you are aware we have refused one application (Biorecycle) and that is currently on appeal to the P&E Court. We have a further application (BMI) for which we have significant concerns and that is also likely to end up before the P&E Court. We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes.

There are two principal matters that are driving this upsurge in waste industry activity in Ipswich:-

1. The availability of former mining voids.
2. The opportunity to transport and dump large quantities of waste without paying a State waste levy. This is a particular issue given the relative ease of access that Ipswich has to the highway network connecting into NSW (as well as throughout Queensland).

The State Government has significant responsibility for the outcomes of 1 and 2 above.

For many years the local waste industry operated on a relatively small scale, generally away from residential areas with only small scale, localised impacts.

We are now witnessing an explosion of waste activity and major concerns about cumulative impacts at the same time that the City's urban footprint is rapidly expanding to meet the SEQ Regional Plan's growth targets. Not only is the waste industry proposing to fill all available mining voids, they are also proposing to create 'waste mountains' far above the surface of the former mining voids. The cumulative impacts are extending well beyond the zoned industrial areas and are significantly impacting on residential amenity, particularly in terms of air quality, dust, odour, water quality/run off and visual amenity.

As you are aware there are many 'cowboy' operators within the waste industry and both DES and Council have struggled to ensure full compliance with relevant conditions of approval.

There is a need for both short and medium term actions to address this situation.

The short term actions include:-

- a ministerial call of the current major waste applications (Biorecycle and BMI), and
- a new TLPI to create a stronger regulatory planning framework for waste industries (preferably to deliver a 2 year moratorium via prohibitions or very stringent controls).

The medium term actions include:-

- introduction of a State waste levy;
- stronger State regulation of waste industries; and
- permanent amendments to the Ipswich planning scheme.

I look forward to continuing to work with you and other State Agencies in resolving these difficult matters.

Please do not hesitate to contact me if you need any further information.



John Adams | City Planner
Planning and Development Department

T | 07 3810 6255

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From: Kerry Doss [<mailto:Kerry.Doss@dsmip.qld.gov.au>]

Sent: Tuesday, 6 March 2018 7:03 AM

To: John Adams

Subject: Landfill in Ipswich

Hi John,

If you could send through a copy of the letter from your Mayor to Minister and details of the number of sites/applications that are involved that would be great.

Could you also put some thought to whether you think your scheme is robust enough or where there are other legislative short-falls and what would be required to put matters like this beyond doubt as I don't think resorting to ministerial call ins every time you get such an application is sustainable or desirable.

Regards

Kerry

Kerry Doss

Deputy Director General

Planning Group

Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7909 M Sch. 4(4)(6) - Disclo

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RTI RELEASE - DSDMIP



Mayor Andrew Antonioli JP (Qual)

**City of Ipswich
Queensland Australia**

2 March 2018

The Honourable Cameron Dick
Minister for State Development, Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister, 

Waste and Landfill Challenges for Ipswich City Council

As per my lengthy discussion with Barnaby Kerdel, your Chief of Staff yesterday, I write for your support and assistance in regards to several major waste application issues currently facing Ipswich City Council (ICC).

It is no secret that, following a story on four Corners in August 2017, Ipswich has quickly become known as the dump capital of Australia. It is not a title we are proud to claim, I can assure you, but I am also aware that it's not a situation Council can easily address without significant assistance from the State Government.

Ipswich City Council and our officers are no strangers to dealing with these complicated matters, and has done so successfully for many years. However, the scale, intensity and scope of issues associated with these activities, in particular, mean that it is time for us to stand shoulder to shoulder with our State Government colleagues on these matters. Importantly, Council has an excellent track record in working with the State Government, most notably we were the first Local Government to be given delegation from Economic Development Queensland for development assessment functions in the Ripley Valley Priority Development Area. We have done this fruitfully, and value our positive relationship with EDQ officers and the executive, and the collective success we have had in the Ripley PDA to date.

ICC's planning team is currently dealing with several major waste application issues at the moment.

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 [MayorAndrewAntonioli](https://www.facebook.com/MayorAndrewAntonioli)  [AAntonioli](https://twitter.com/AAntonioli)



These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests.

The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities.

I understand that a significant proportion of waste traffic into Ipswich is from interstate. It is very concerning that the growth in this industry in Ipswich is likely to be a result of the lack of a waste levy in Queensland, which we obviously would support. I also acknowledge that this is a growing priority for the government and I will wait the outcome with anticipation – this issue needs to be resolved with haste and I offer my support to the government.

However, until there is a resolution to deal with the interstate transportation of waste, we have two immediate priorities that need to be addressed as a matter of urgency, as follows.

1) Bio Recycle Proposal, Memorial Drive, Swanbank

Council recently refused an application to extend an existing approved landfill to increase its intensity, capacity and volume. The effect of the changes would bring the height of landfill beyond the existing landform. During landfilling and construction, this landfill will be visible from nearby residential communities, including parts of the Ripley Valley Priority Development Area. The proposed height of the landform is in the order of 30 metres above the existing approved level of landfilling.

Council is also concerned about the emerging focus of the waste industry to not only fill / rehabilitate mining voids, but create mountains of waste which extend beyond the already disturbed terrain throughout this area. The community is also understandably concerned.

This matter is subject to an appeal in the planning and environment court. The appeal reference is 473 of 2018 and was lodged on 9 February 2018. I attach a map indicating the location of this proposal.

2) BMI Ipswich Resource Recovery Facility, Swanbank

Council has recently received an application for a new landfill to be established in a former mining void. The void is one of the largest and deepest in Ipswich. The proposal involves the dewatering of this void, its preparation for landfilling and the landfilling of the void to heights beyond the surrounding landform. This is a recent submission received by Council and a confirmation notice has just been issued. Formal assessment of the application is commencing. The proposed landform is between 20 and 60 metres above existing levels.

The following core issues are identified and are common to both proposals:

- Matters of state significance including:
 - Statewide and interstate waste transport issues
 - State controlled road network impacts
 - Major environmental issues including long-term community health concerns and uncertain landfill gas implications
 - Water resource issues
 - Uncertain complex geotechnical and stability issues with potentially far-reaching implications (interacting with past underground mining tunnels, faults and other geotechnical features etc.)
 - Uncertain groundwater implications, including potential interaction with water-filled historic underground mining tunnels
 - Cumulative impact of waste industry growth in the region
 - General implications on a Priority Development Area (amenity, perception)
 - It is doubtful that there is a need for the scale, intensity and volume of these types of proposals if there is a focus on servicing local or regional need
- Uncertain impacts on surface water flow in the area
- Impacts on major waterways (including Six Mile Creek) with specific reference to dewatering for project two (2) (contamination, pollution, flooding etc.)
- Long-term maintenance post development
- Visual impacts during and after construction
- Potential for major amenity impacts including, but not limited to, dust, noise, air quality, odour for nearby residents including the Ripley PDA and existing community
- Regional significance given that this proposal will not be just for waste from the Ipswich Local Government Area

Importantly, many of these impacts have the potential to have a detrimental effect on land owned by many other parties, including Local Government and State Government (land and assets). The cumulative implications of the above issues may have far-reaching consequences for the community, the State Government, the Council and any attempts to address many of these issues are beyond the scope of a regular development assessment process and Local Government.

As an example, addressing the issues associated with groundwater and the potential interaction with other mining voids, or areas already constrained by past underground mining, has an unclear spatial boundary with potential impacts on existing communities. The scale of such impacts may be consistent with or exacerbate the mining issues experienced in locations like Collingwood Park recently.

The assessment of these applications and the potential for lengthy and expensive planning appeals are very likely to be a significant burden on Ipswich City Council and our ratepayers. It is likely that a single appeal in these matters could cost well in excess of \$500,000 to \$750,000, with an uncertain outcome.

In addition to this, there is a potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer.

Minister, we are also looking at revising our planning scheme, and we have a number of other initiatives we would like to present to the State Government for consideration over the coming weeks that would help us to address this growing dump concern for Ipswich. Our residents are understandably unhappy about the number of dumps in our city, including the quantity issue, we have an odour problem that the State just can't seem to get on top of.


Addressing the waste and landfill issue is my absolute priority, but I need your assistance. To this end, I respectfully request that the State Government institute a 'call in' pursuant to the relevant provisions of the *Planning Act 2016* and the *Planning Regulation 2017* for proposal number one (1), as described above. We believe this application is of enormous state (and local) significance. We would very much appreciate your assistance and would offer any resources we are able to in supporting your department in the processing and determination of such a request.

As noted above, we will provide a watching brief on the proposal number 2 (BMI) throughout the development assessment process.

I would very much like the opportunity to discuss the above with you via the phone at your earliest convenience.

I thank you in advance for your support and I look forward to hearing from you.

Kind regards,



Mayor Andrew Antoniolli
City of Ipswich

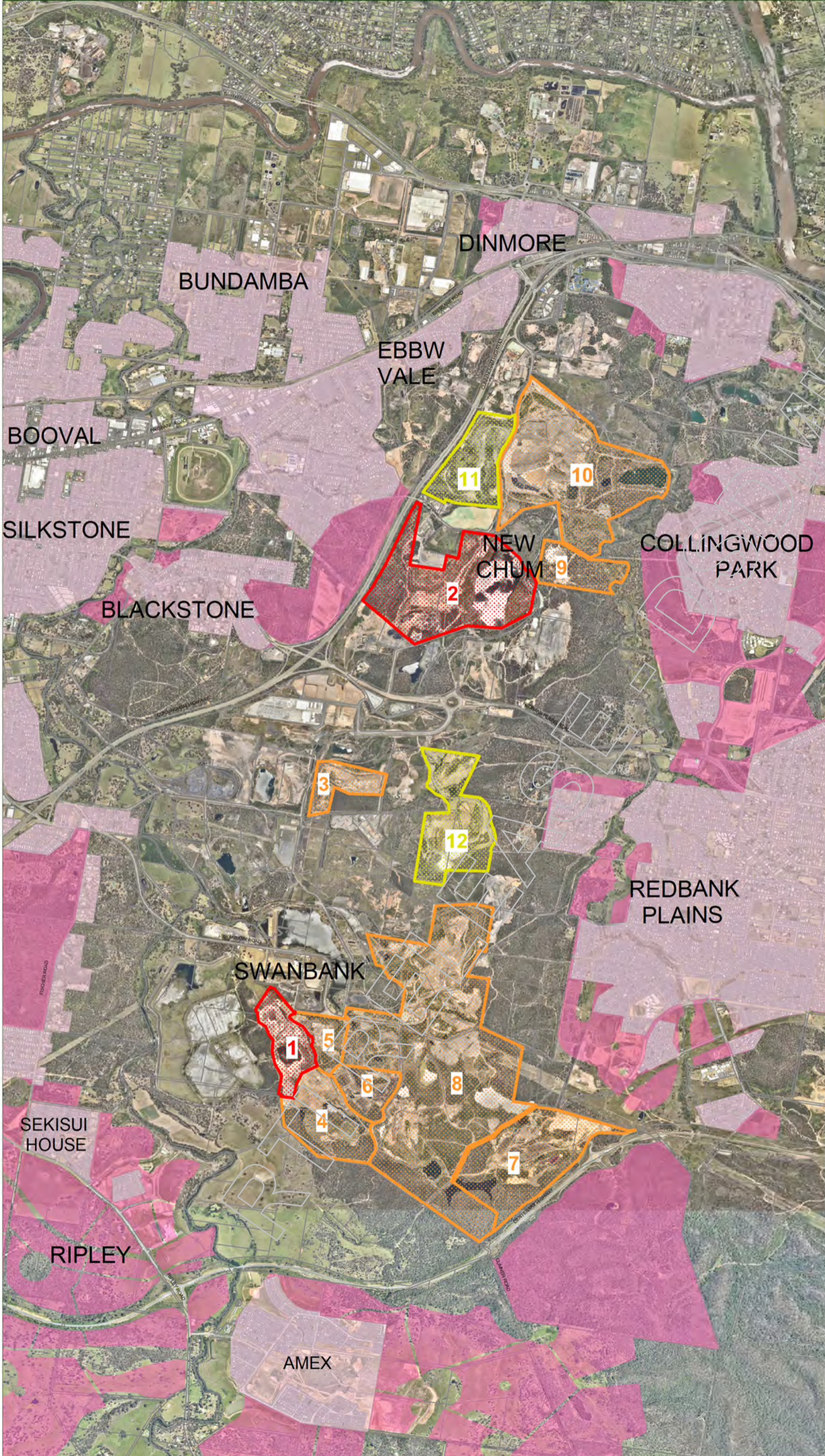
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Current Waste Activity Location Map










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 Data Compiled by: Strategic Planning Branch,
 Planning & Development Department
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Landfills / Waste Industries

-  **Lodged**
 - 1 BioRecycle - current refused extension to landfill (subject to appeal)
 - 2 BMI - current proposal, recently lodged with ICC
-  **Expected**
 - 3 BMI Waste Transfer Station and Landfill - Alleged Rehabilitation under the Mineral Resources Act
 - 4 BioRecycle and Lantrak Landfills
 - 5 Lantrak Waste Transfer Station
 - 6 Nugrow Composting
 - 7 WMI Composting
 - 8 Remondis Landfill
 - 9 Shiftwaste - possible landfill
 - 10 Cleanaway Landfill
-  **Potential**
 - 11 Cleanaway - Former Mining Overburden
 - 12 Wattle Glenn Landfill (Veolia)

Residential

-  Existing Residential
-  Approved / Planned Residential

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Map Grid : Geocentric Datum of Australia (G.D.A.)
 Level Datum : Australian Height Datum (A.H.D.)

Legend



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Landfills / Waste Industries



Expected / Potential

- 1 Ti-Tree Veolia - Historic Existing Landfill
- 2 Zedemar - prelodgement for possible landfill
- 3 Tetard - possible landfill
- 4 Tetard - prelodgement for possible landfill
- 5 Tetard - possible landfill

Residential



Existing Residential



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Map Grid : Geocentric Datum of Australia (G.D.A.)
 Level Datum : Australian Height Datum (A.H.D.)

Legend

SUBJECT: Adoption of the Temporary Local Planning Instrument No.1 of 2018 – Waste Activity Regulation (the proposed TLPI) to the Ipswich Planning Scheme 2006 (the planning scheme)

<p>NOTED / APPROVED / NOT APPROVED</p> <p><i>[Handwritten signature]</i></p> <p>Hon. Cameron Dick MP Minister for State Development, Manufacturing, Infrastructure and Planning</p> <p>Date: <u>03.04</u> / 2018</p> <p>Comments? <input type="checkbox"/></p>
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RECOMMENDATIONS:

That you:

- **note** an issue has arisen as to the compatibility of waste activities with sensitive land uses within the Swanbank/New Chum industrial area within the Ipswich City Council (council) local government area
- **note** the proposed temporary local planning instrument (TLPI) at **Attachment 1** which addresses this issue
- **note** the attached draft Statement of Reasons at **Attachment 2** and the draft Notice to Council at **Attachment 3**, relating to the proposed TLPI
- **note** the legal advice by Clayton Utz Lawyers (the Legal Advice) at **Attachment 4**
- **note** the Planning Assessment Report (PAR) at **Attachment 5**
- **decide** under s27(1) of the *Planning Act 2016* (Planning Act) that you:
 - consider action should be taken, namely the making of the TLPI, under s26(2)(b) of the Planning Act to protect, or give effect to a State interest; and
 - consider that the action must be taken urgently; and
- **decide** that the proposed TLPI meets the requirements in s23(1) of the Planning Act
- **decide**, based on your decisions about s27(1) and s23(1) of the Planning Act, that you intend to make the TLPI
- if you decide that you intend to make the TLPI, **decide** to give the draft Notice to Council of your intention to make the TLPI, and **sign** the attached letter to the Chief Executive Officer of the Council (**Attachment 6**) attaching the Notice to Council and **sign** the attached letter to the Mayor of the council, Cr Andrew Antoniolli (**Attachment 7**)
- **note** this briefing note contains legal advice which is confidential and subject to legal professional privilege.

BACKGROUND:

An issue has arisen as to the compatibility of waste activities with sensitive land uses within the Swanbank/New Chum industrial area within council's local government area.

Section 27 of the Planning Act provides that you may make a TLPI (rather than council) if you consider:

- the TLPI should be made under s26(2)(b) of the Planning Act to **protect, or give effect to, a State interest**; and
- the action must be taken **urgently**.

For convenience, these matters are referred to as the 'relevant matters'.

Should you consider the relevant matters are made out, it is also necessary that you be satisfied of the matters in s23(1) of the Planning Act namely that:

- there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk; and

<p>Author details: Position: Telephone: Date completed:</p>	<p>Endorsed by: Christopher Aston Position: A/Executive Director Telephone: 3452 6741 Date approved: 28 March 2018</p>	<p>Endorsed by: Graeme Bolton DDG: A/DDG Telephone: 3452 7909 Date approved: 2 April 2018</p>	<p>Endorsed by: Kerry Doss Acting Director-General Telephone: 3452 7029 Date approved: <u>3/4/2018</u></p>
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- the making of the TLPI would not adversely affect State interests.

s. 73(2) - Not relevant/ Out of scope

The PAR addresses the matters relevant to s27(1) and s23(1) of the Planning Act. The draft Statement of Reasons sets out reasons that would support the exercise of your power to decide to intend to make the TLPI under s27(1) of the Planning Act (as it addresses the relevant matters). It also necessarily addresses the matters in s23(1) of the Planning Act.

It is essential that you review the draft Statement of Reasons together with the PAR and decide if you are satisfied, on the basis of the reasons contained in that statement, that the relevant matters in s27(1) and the requirements in s23(1) are met.

Before making the TLPI, you must give council a notice that states that you intend to make the TLPI and the reasons for making the TLPI (per s27(2) of the Planning Act).

s. 73(2) - Not relevant/ Out of scope

A draft Notice to Council has been prepared in compliance with s27(2) of the Planning Act which states that you intend to make the TLPI urgently and the reasons for taking this action, should you so decide. Notably, even if you are satisfied of the relevant matters, you are not required to decide to intend to make the TLPI.

The Planning Group within the Department has prepared the proposed TLPI and considers it appropriately addresses potential conflicts between the environmental and economic State interests relating to:

- the Swanbank/New Chum industrial area land uses (which are located within the South West Industrial Corridor Regional Economic Cluster under the ShapingSEQ South East Queensland Regional Plan 2017); and
- significant residential areas proximate to the industrial area including the Ripley Valley Priority Development Area.

TEMPORARY LOCAL PLANNING INSTRUMENT No.1 of 2018 (WASTE ACTIVITY REGULATION)

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No.1 / 2018 (Waste Activity Regulation).

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to address concerns raised by the Ipswich City Council (the **council**) and the local community in respect to landfill and waste industry uses occurring in the Swanbank / New Chum industrial area.
- 2.2 This TLPI seeks to balance economic and environmental State interests at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum area, whilst not adversely affecting any State interests.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and sensitive receiving land uses from adverse impacts relating to odour, dust, noise, air quality and visual amenity.

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and
 - (vi) “Waste Activity Use”.
 3. includes three waste activity regulation areas:
 - (i) “Swanbank / New Chum Buffer Area”;

-
- (ii) “Swanbank / New Chum Medium Impact Waste Area”; and
 - (iii) “Swanbank / New Chum High Impact Waste Area”.
4. prescribes the categories of assessment and assessment benchmarks for “Waste Activity Uses”; and
5. includes a land use code, being the “Swanbank / New Chum Waste Activity Code”.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by–
- (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary on the Swanbank / New Chum Waste Activity Area Map in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
- (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the “Swanbank / New Chum Waste Activity Use Code”; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

- 8.1 “**Clean Earthen Material**” means–
- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
 - (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document ‘Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater’, forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
- 8.2 “**Compost Manufacturing Enclosed**” means–

-
- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
 - (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 **“Compost Manufacturing Unenclosed”** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 **“Landfill”** means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

8.5 **“Rehabilitating a mining void”** means–

- (a) the filling of a mining void involving only ‘clean earthen material’.

8.6 **“Waste Activity Use”** means–

the use of premises for waste industry purposes, including but not limited to:

- (a) “Compost Manufacturing Enclosed”;
- (b) “Compost Manufacturing Unenclosed”; and
- (c) “Landfill”;
- (d) “Rehabilitating a mining void”.

**REFER TO D18/68656
Attachment A to
Attachment 1 - Swanbank
New Chum Waste Activity
Areas Map**

Swanbank / New Chum Waste Activity Code

1. Swanbank / New Chum Waste Activity Code

- (1) The provisions in this section comprise the Swanbank / New Chum Waste Activity Code:
- compliance with the Swanbank / New Chum Waste Activity Code (section 2);
 - overall outcomes for the Swanbank / New Chum Waste Activity Code (section 3); and
 - specific outcomes for the Swanbank / New Chum Waste Activity Code (section 4).

2. Compliance with the Swanbank / New Chum Waste Activity Code

- (1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the Swanbank / New Chum Waste Activity Code.

3. Overall Outcomes / Purpose for the Swanbank / New Chum Waste Activity Code

- (1) The overall outcomes are the purpose of the Swanbank / New Chum Waste Activity Code.
- (2) The overall outcomes for the Swanbank / New Chum Waste Activity Code are:
- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
- (b) Waste Activity Uses:
- (i) do not have a detrimental impact on the amenity of sensitive land uses, particularly existing, approved or planned residential areas or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential areas or other sensitive receiving use; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the Swanbank / New Chum Waste Activity Code

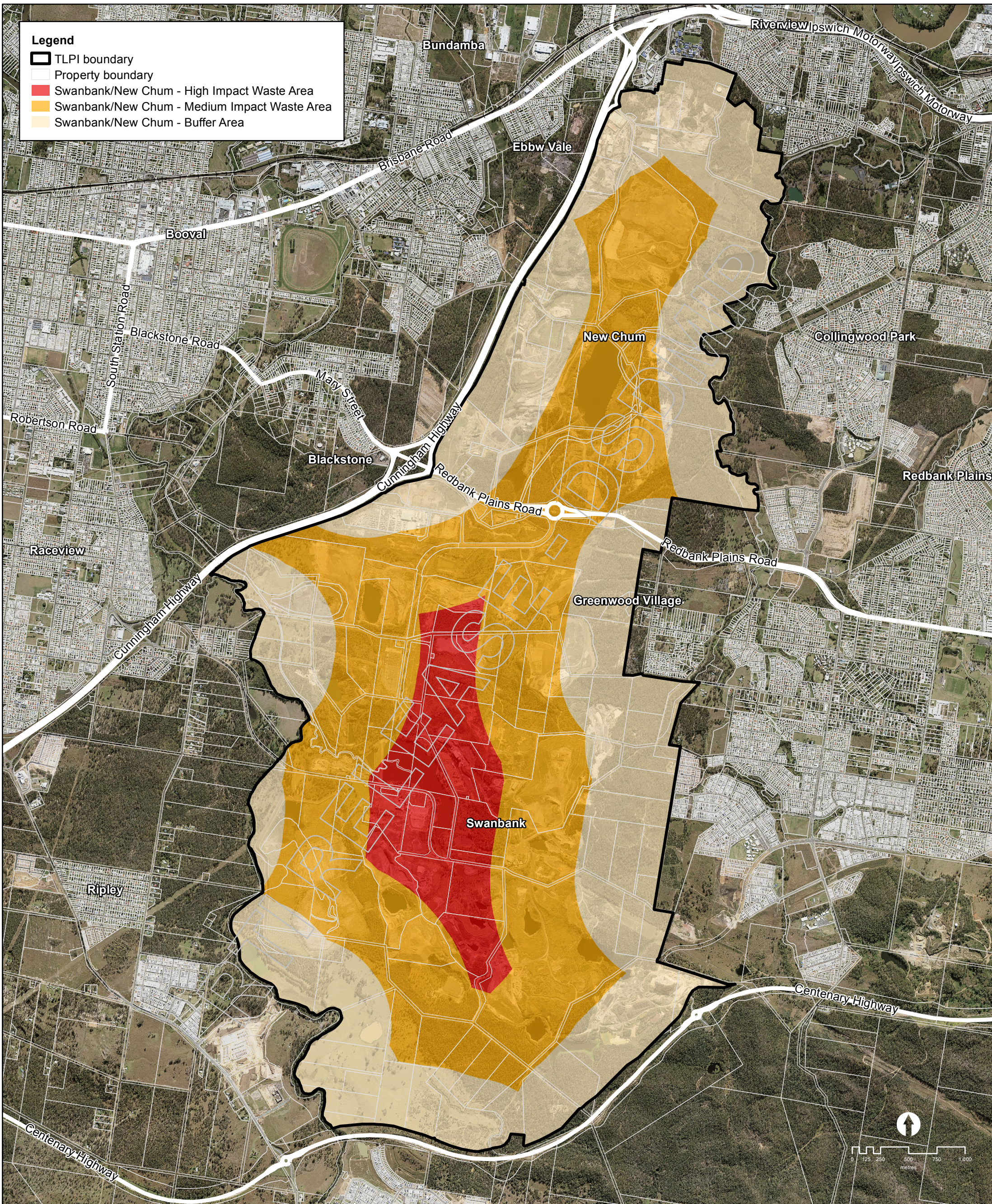
- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occurs only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving "Landfill" or "Compost Manufacturing Enclosed" occurs only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:

-
- (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
 - (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
- (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) avoids the creation of landscapes that extend significantly beyond the predominant level of the surrounding topography.
- (6) Waste Activity Uses are developed in a manner that:
- (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive land uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to nearby sensitive receivers; and
 - (c) the generation of noise or light overspill do not cause nuisance or disturbance to nearby sensitive receivers.

ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
SWANBANK / NEW CHUM BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code
SWANBANK / NEW CHUM MEDIUM IMPACT WASTE AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code
SWANBANK / NEW CHUM HIGH IMPACT WASTE AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use other than Rehabilitating a Mining Void	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code



Swanbank / New Chum Waste Activity Area

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NOTICE

Given by the Honourable Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning

under section 27(2)(a) and 27(2)(b) *Planning Act 2016*

Notice of proposed action - section 27(2)(a) *Planning Act 2016*

I refer to section 27(2)(a) of the *Planning Act 2016* (the **Planning Act**) and provide notice that:

- (a) I intend to make a temporary local planning instrument (**TLPI**) effective from the day published in the government gazette. Attachment A to this Notice is the Proposed TLPI;
- (b) The effect of the TLPI which I propose to make will be to suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* in relation to proposed development of waste activity uses in the Swanbank/New Chum industrial area, shown on the map at **Attachment A** to the TLPI;
- (c) I have decided that the TLPI should be made to protect, or give effect to, a State interest;
- (d) I have decided that the proposed action to make a TLPI should be taken urgently.

Reasons for taking the action - section 27(2)(b) *Planning Act*

For section 27(2)(b) of the *Planning Act*, I provide the following reasons for taking the proposed action:

1. Decision

- On 3 April 2018, I, the Honourable Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning, decided that I intend to take action under section 26(2)(b) of the *Planning Act* to protect, or give effect to, a State interest, and that the action must be taken urgently.
- The action that I intend to take is to make a TLPI that may be cited as the Temporary Local Planning Instrument No.1 / 2018 (Waste Activity Regulation) with respect to landfill and waste activities occurring in the Swanbank/New Chum industrial area. The TLPI will suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* as set out in the TLPI.
- The reasons for my decision, as required by section 27(2) of the *Planning Act*, are set out below.

2. Introduction

2.1 By a letter dated 2 March 2018, the Ipswich City Council (**Council**):

- (a) requested that as the responsible Minister I call in a development application lodged by Bio-Recycle Pty Ltd. The Planning Assessment Report prepared by the Department identifies that the application was for a development permit for:
 - (i) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (ii) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year), (**the Bio-Recycle Proposal**); and
- (b) advised me that the Council would provide a watching brief on a development application lodged by Austin BMI Pty Ltd, which the Planning Assessment Report prepared by the Department states is for a new landfill to be established in a former mining void (**the BMI Proposal**); and
- (c) advised that there was the potential for additional development applications for landfill operations to be lodged in the future.

2.2 The Bio-Recycle Proposal was lodged with Council on 28 June 2017, under the now repealed *Sustainable Planning Act 2009* (**SPA**).

2.3 The BMI Proposal is for:

- (a) a development permit for a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
- (b) a development permit for operational works for the clearing of vegetation;
- (c) the following environmentally relevant activities:
 - (i) ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;
 - (ii) ERA33 - crushing, grinding, milling or screening more than 5,000t of material in a year; and
 - (iii) ERA 62 - waste transfer station.
- (d) The BMI Proposal was lodged with Council on or about 13 February 2018, under the Planning Act.

2.4 Council has also communicated to the State that a number of future development applications for landfills are anticipated to be lodged in the future in Ipswich, as indicated in the letter from the Mayor dated 2 March 2018 and an email from the City Planner dated 6 March 2018.

3. Legislative framework

3.1 Legislation and statutory instruments relevant to my decision are:

- (a) the *Planning Act 2016*;
- (b) the *Planning Regulation 2017*;
- (c) the Minister's Guidelines and Rules under the *Planning Act 2016*, dated July 2017;
- (d) *Ipswich Planning Scheme 2006*;
- (e) the *State Planning Policy 2017*;
- (f) the *South East Queensland Regional Plan 2017*.

3.2 Section 27 of the Planning Act applies if I consider that:

- (a) action should be taken under section 26(2)(b) to protect, or give effect to, a State interest; and
- (b) the action must be taken urgently.

3.3 A "State interest" is defined as an interest that I consider:

- (a) affects an economic or environmental interest of the State or a part of the State; or
- (b) affects the interest of ensuring that the Planning Act's purpose is achieved.¹

3.4 The action which I may consider taking urgently under section 27 and 26(2)(b) of the Planning Act includes making a local planning instrument, including a TLPI.

3.5 Under section 23(1) of the Planning Act, a local government may make a TLPI if the local government and Minister decide:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
- (c) the making of the TLPI would not adversely affect State interests.

3.6 Under section 27(2) of the Planning Act, before taking action, I must give the relevant local government a notice that states:

- (a) the action that I intend to take; and
- (b) the reasons for taking the action.

3.7 Under section 27(3) of the Planning Act, after giving the relevant notice under the Planning Act, I may take the action as required under the process in the Minister's Rules without:

¹ Schedule 2 *Planning Act 2016*.

- (a) giving a direction to the local government under section 26; or
 - (b) consulting with any person before taking the action.
- 3.8 The Minister's Rules are made under section 17 of the Planning Act and include rules about making or amending TLPs.
- 3.9 Section 10 of the *Planning Regulation 2017* provides that the Minister's guidelines and rules are contained in the document called "Minister's guidelines and rules", dated July 2017 and published on the Department's website.
- 3.10 Chapter 3, Part 2 of the Minister's guidelines and rules prescribes the process for making or amending a temporary local planning instrument (TLPI) for section 23 of the Planning Act².
- 3.11 A TLPI may suspend or otherwise affect the operation of another local planning instrument. The TLPI however does not amend or repeal the instrument.³ The TLPI is a statutory instrument.⁴

4. **The Evidence or other material on which findings on material questions of fact are based**

- 4.1 In deciding that I should exercise my power under section 27 of the Planning Act, I had regard to the following documents:
- (a) Briefing Note and associated attachments under Ministerial correspondence number MBN18/759, including:
 - (i) draft Temporary Local Planning Instrument;
 - (ii) draft Statement of Reasons;
 - (iii) Planning Assessment Report (including annexures).The annexures to the Planning Assessment Report include:
 - (iv) Letter from the Mayor of Ipswich, Mayor Antonioli to me dated 2 March 2018;
 - (v) Email from City Planner, Ipswich City Council to the Deputy Director General, Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning dated 6 March 2018;
 - (vi) Waste Activity Location Map 1 (Ipswich City Council map);
 - (vii) Waste Activity Location Map 2 (Ipswich City Council map);
 - (viii) Swanbank / New Chum area – historic growth (Department mapping);

² section 6.1 Minister's Guidelines and Rules

³ Section 23(3) *Planning Act 2016*.

⁴ Section 7 *Statutory Instruments Act 1992*.

- (ix) Willowbank area – desktop land use analysis (Department mapping);
- (x) Ipswich City Council submission to the Investigation into the Transport of Waste into Queensland;
- (xi) Parliamentary Motion by the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, on 21 March 2018 calling on the government to call in the BMI Proposal.

5. **Findings on material questions on fact**

5.1 I made the following findings of fact having regard to the evidence or other material as set out in Section 4 above including the Planning Assessment Report prepared by the Department.

5.2 The report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" (the **Lyons Report**), dated 17 November 2017 states that:

- (a) according to a report undertaken by Arcadis there were approximately 226 landfills in Queensland up to financial year 2015, of these, 20 landfills were located in South East Queensland;
- (b) according to a report undertaken by Arcadis, approximately half of all waste disposed to landfill in Queensland is processed at facilities that are located at Swanbank, New Chum and Willowbank;
- (c) according to a report undertaken by Arcadis, waste generators from interstate are disposing of their waste in the Ipswich area; and
- (d) according to a report undertaken by Arcadis, none of the significant landfills in the Ipswich local government area are owned by the local government.

5.3 Further, the Lyons Report states at paragraphs 77 and 170 that:

"EHP has informed the investigation team that all but 2,000 tonnes of the waste coming into Queensland from outside of the State is being transported into SEQ. Data collected by EHP and industry information indicate that the majority of waste from interstate sources is going into facilities near Ipswich. Figure 3 is a map of key waste disposal facilities that has been prepared by Arup based on an analysis of a number of sources."

"In addition, as the Ipswich City Council has noted in a submission to the investigation, "the movement and disposal of waste from southern states to privately owned landfills in Ipswich is considered to have a negative impact on the Ipswich community by creating a perception that Ipswich has become 'a dumping ground' for other state's waste."

5.4 The recommendations made by the Lyons Report were as follows:

Recommendation No. 1

The Government should consider implementing a general levy on all waste disposed of at landfill in Queensland.

Recommendation No. 2

The Minister for Environment and Heritage Protection and the Department of Environment and Heritage Protection should continue to engage with the corresponding Ministers and Agencies in other Australian States and Territories about the design and implementation of a national framework that would reduce or limit the unnecessary transportation of waste within Australia⁵.

- 5.5 Both of these recommendations made in the Lyons Report are supported by the Queensland Government as confirmed in the document "Queensland Government response Investigation into the transport of waste into Queensland" March 2018;
- 5.6 Council has received two recent development applications in the vicinity of Swanbank and New Chum industrial area as follows:
- (a) the development application lodged, on or about 28 June 2017, by Bio-Recycle Pty Ltd for a development permit for:
 - (i) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (ii) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year) (**the Bio-Recycle Proposal**); and
 - (b) the development application lodged, on or about 13 February 2018, by Austin BMI Pty Ltd for a development permit for:
 - (i) a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
 - (ii) operational works for the clearing of vegetation;
 - (iii) a material change of use for the following environmentally relevant activities:
 - A. ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;
 - B. ERA33 - Crushing, grinding, milling or screening more than 5,000t of material in a year; and
 - C. ERA 62 - waste transfer station (**the BMI Proposal**).
- 5.7 The Bio-Recycle Proposal has been refused by the Council and is currently the subject of Brisbane Planning and Environment Court Appeal No. 473/2018.

⁵ Page. 40, report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" dated 17 November 2017.

5.8 The BMI Proposal was referred to the Department of State Development, Infrastructure, Manufacturing and Planning, State Assessment and Referral Agency (**SARA**) on 16 March 2018 for assessment by the Chief Executive against the following referral triggers:

- (a) Schedule 10, Part 5, Division 4, Table 2, Item 1 Environmentally Relevant Activities
- (b) Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 State transport infrastructure
- (c) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 State transport corridor.

5.9 The Planning Assessment Report prepared by the Department states that the BMI proposal is still under assessment by the Council and SARA.

5.10 The letter dated 2 March 2018 from the Mayor of the Council addressed to myself in my capacity as the Minister for State Development, Manufacturing, Infrastructure and Planning (**Ipswich City Council letter**) stated in respect of the Bio-Recycle Proposal and the BMI Proposal:

"These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests. The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities."

5.11 The Ipswich City Council letter also stated that:

"In addition to this, there is potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer."

5.12 The Ipswich City Council letter requested that I call-in the Bio-Recycle Proposal.

5.13 The Deputy Director-General, Planning Group, of the Department of State Development, Manufacturing, Infrastructure and Planning received an email from the Council's City Planner dated 6 March 2018. The email from the Council's City Planner stated that:

"We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes."

5.14 The email from the Council's City Planner to the Deputy Director-General attached two Waste Activity Location Maps that identified the anticipated further applications and the former mining sites within the Swanbank/New Chum area and the Willowbank area. On review of this information I have formed the view in relation to the Swanbank / New Chum industrial area that two (2) development applications have been lodged, that there are eight (8) expected development applications (the Planning Assessment Report prepared by the Department notes that the council has not identified the source of the information in the mapping; however, as the relevant assessment manager under the Planning Act, the council is in a position to have had pre-

lodgement discussions and other enquiries with potential proponents) and there are two (2) former mining sites with the potential for similar development.

- 5.15 The Swanbank/New Chum industrial area is proximate to residential communities, including the Ripley Valley Priority Development Area (**PDA**).
- 5.16 The Planning Assessment Report prepared by the Department notes the following, in respect of the Ipswich Planning Scheme 2006:
- (a) there are no separation distances in the Council's planning scheme which are relevant to the assessment of waste management development applications, including the Bio-Recycle Proposal and the BMI Proposal;
 - (b) the Strategic Framework, being contained in section 1.5 within the planning scheme is not a relevant consideration in the Council's assessing and deciding land and waste management development applications (including the Bio-Recycle Proposal and the BMI Proposal). Section 1.5, sub-section (2) specifically states that the Strategic Framework is not relevant to development assessment;
 - (c) the Desired Environmental Outcomes (DEOs), being contained in section 3.0 within the planning scheme, is a relevant consideration in the Council's development assessment function. However, the DEOs identified within section 3.1(3) are high level and not specifically written in contemplation of assessing and deciding landfill and waste management development applications;
 - (d) key growth areas being the PDA are covered by a separate mechanism being the Ripley Valley Development Scheme (October 2011) and this development scheme continues to provide for the continued growth and expansion of the Ripley Valley Town Centre and new, master planned communities, separate to, and outside of, the jurisdiction of the local government's planning scheme and more specifically, the Swanbank/New Chum land use concept master plan contained in the planning scheme.
- 5.17 The Planning Assessment Report prepared by the Department states there are several components of the Ipswich Planning Scheme 2006 that the Department considers affects its suitability as an effective planning instrument to manage these competing industrial and residential land uses, including:
- (a) there are no separation distances in the Ipswich Planning Scheme which are relevant to development proposals within the Swanbank/New Chum industrial area;
 - (b) there are no visual amenity provisions for landfill and waste management activities;
 - (c) landfills and other waste activities are categorised as 'special industries' under the planning scheme and are code assessable if an applicant can demonstrate that there are "no discernible impacts outside of the zone".
- 5.18 The Planning Assessment Report prepared by the Department states that biological air pollution (bioaerosols) from composting facilities have become a cause of increasing concern across many communities (not just Swanbank / New Chum) due to the potential for health impacts. The Planning Assessment Report continues that estimating bioaerosol exposure is problematic due to limitations in current monitoring methods, model inputs and the complexity of emission sources.

5.19 Under section 8(2) of the Planning Act, the State Planning Policy (**SPP**) dated July 2017 and the *South East Queensland Regional Plan 2017 (ShapingSEQ)* are State planning instruments which are made by the Minister to "protect or give effect to State interests".

5.20 The Planning Assessment Report prepared by the Department identifies the following relevant matters in the SPP:

- (a) Part E: State interest policies and assessment benchmarks, Planning for safety and resilience to hazards, Emissions and hazardous activities, page 48, relevantly states:

Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:

- *locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical, incorporating any required buffers within the site of the development*
- *ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to locate land uses*
- *designing incompatible developments to avoid or mitigate any potential impacts⁶.*

- (b) Part E: State interest policies and assessment benchmarks, State interest - emissions and hazardous activities, policy (4), page 49, relevantly states:

"(4) Sensitive land uses are protected from the impacts of previous activities that may cause risk to people or property including:

- (a) former mining activities and related hazards (e.g. disused underground mines, tunnels and shafts)*
- (b) former landfill and refuse sites*
- (c) contaminated land."*

- (c) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, Liveable communities, page 25, relevantly states:

"The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing.

...

All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development."

⁶ Page 48, SPP, 3 July 2017.

- (d) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, State interest - Liveable communities, policy (3), page 26, relevantly states:

(3) Development is designed to:

(a) value and nurture local landscape character and the natural environment

(b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity

(c) maintain or enhance opportunities for public access and use of the natural environment.

- (e) The SPP identifies the State interest of Emissions and hazardous activities (pages 48 and 49).
- (f) This state interest specifically identifies that the protection of the health, safety and amenity of communities and the environment is a fundamental role of land use planning (page 48).
- (g) The SPP also specifically identifies the need to protect specified existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively. Waste management facilities are identified as a land use requiring protection (page 49).
- (h) The SPP contains the following statements:
- (i) 'Some activities have the potential to cause nuisance to communities and other sensitive land uses through environmental emissions such as air, odour and noise pollution' (page 48)
- (ii) 'Other developments, such as those that involve hazardous materials, can pose an even greater risk to the health and safety of communities and individuals, and the natural and built environment' (page 48)
- (iii) 'Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:
- A. locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical incorporating any required buffers within the site of the development
- B. ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to-locate land uses
- C. designing incompatible developments to avoid or mitigate any potential impacts.' (page 48)
- D. protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:... (f) Waste management facilities' (page 49).

- (i) The SPP also identifies the state interest of Liveable communities at page 25 which provides:
 - (i) that liveable communities are of interest to the state as ‘The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing’ (page 25)
 - (ii) ‘All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development (page 25).

5.21 The Planning Assessment Report prepared by the Department identifies the following in relation to statements in *ShapingSEQ*, which relate specifically to the PDA:

- (a) Goal 1 Grow states ‘There is housing choice and sufficient land to accommodate the projected population and employment growth in an affordable and sustainable way to meet the community’s changing lifestyle needs’ (page 38), with Ripley Valley identified as a large residential expansion area
- (b) Sub-regional outcomes include Outcomes for Grow which seek ‘to deliver new and more complete communities that are well-planned and serviced’ (page 130), including in Ripley Valley which together with Springfield and Rosewood/Thagoona/Walloon ‘will accommodate the largest proportion of the sub-region’s planned expansion ... These places will develop as new high-quality communities’ (page 130)
- (c) Sub-regional outcomes include Outcomes for Live which seek to develop and promote great places which ‘will support the sub region’s liveability, prosperity, sense of identity and community’ (page 136) and which includes Ripley, ‘a vibrant new town centre that services the Ripley Valley master-planned community’ (page 136).
- (d) *ShapingSEQ* contains the following statements which relate specifically to the Swanbank/New Chum industrial area:
 - (i) The Swanbank/New Chum industrial area is identified in *ShapingSEQ* as being within the South West Industrial Corridor REC. *ShapingSEQ* states that ‘Supported by significant state and national transport infrastructure, this well-established REC, which spans into the Metro sub-region, contains the most significant industrial cluster in the region’ (page 132).
 - (ii) *ShapingSEQ* identifies Swanbank as being a major enterprise and industrial area in the South West Industrial Corridor REC (page 61), and states that ‘Major enterprise and industrial areas accommodate medium- and high-impact industries and other employment uses associated with, or with access to, state transport infrastructure. These areas are major drivers of economic growth. They are either significant in size or have the potential to expand to provide for industry and business activity clusters of regional and state significance’ (page 58)

- (iii) The Swanbank/New Chum industrial area is located within the Western sub-region which 'contains SEQ's major rural production and regional landscape areas, and is supported by the major cities of Ipswich and Toowoomba. These cities contain significant expansion areas, Regional Economic Clusters (RECs) and infrastructure connections of national significance (page 127)
- (iv) Goal 2 Prosper states that 'Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities' (page 50) and that 'Maximising the region's traditional strengths and RECs will drive greater levels of local employment throughout SEQ' (page 50)
- (v) Strategy 1 of Element 2: Regional Economic Clusters is to 'Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity' (page 52).

5.22 In the Planning Assessment Report, the Department identified that there has been widespread print and digital media coverage of this issue including (amongst possible others): 612 ABC radio news bulletins and talk-back radio; various commercial television news bulletins; an ABC Four Corners exposé; and numerous pieces published in the Queensland Times, Courier Mail and Sydney Morning Herald. The Planning Assessment Report prepared by the Department states that a media article published in the Queensland Times on 15 March 2018 highlights that landfill activities are a key focus for the local community with the article reporting that over 400 residents attended a special community meeting organised in Booval on 13 March 2018 at which landfill activities in Ipswich were raised.

5.23 The Department has advised me that it has received numerous items of correspondence from a community group called 'IRATE' opposing landfill activities within Swanbank, particularly concerns include odour, dust and condition and compliance.

5.24 On 21 March 2018 the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, moved a Parliamentary Motion calling on the government to call-in the BMI Proposal.

6. **Reasons for decision**

6.1 I have decided that I intend to make the TLPI pursuant to section 27(1) and give notice to Council pursuant to section 27(2) of the Planning Act to suspend or otherwise affect the operation of *the Ipswich Planning Scheme 2006* for the following reasons.

6.2 Firstly, I decided that action should be taken to protect, or give effect to, a State interest as:

- (a) the Council has advised me that it has already received two development applications for landfill or waste transfer facilities to be located in Swanbank and New Chum;
- (b) the Council has advised me that a further eight development applications for landfills and waste disposal facilities are expected within the Swanbank/New Chum industrial area and located in the Council's local government area;

- (c) the Ipswich local government area is a major location for private investment in landfill waste disposal in Queensland as was reported in the Lyons Report;

6.3 I have considered the following State planning instruments which protect, and give effect to State interests, in my assessment:

- (a) **SPP:** The following State interests, as set out in the SPP at paragraph 5.20 above are relevant to my decision:
 - (i) *Planning for safety and resilience to hazards: Emissions and hazardous activities; and*
 - (ii) *Planning for liveable communities and housing: Liveable communities.*
- (b) **ShapingSEQ:** *ShapingSEQ* contains specific provisions that relate to both the PDA and the Swanbank/New Chum industrial area, as set out at 5.21 above.
- (c) the development applications for landfill or waste transfer facilities to be located in the Swanbank/New Chum industrial area will not be adequately assessed under the *Ipswich Planning Scheme 2006*, in consideration of the matters stated at 5.16 and 5.17 above.
- (d) I consider that the matters which the *Ipswich Planning Scheme 2006* does not contemplate in relation to proposed development of landfill or waste transfer facilities in Swanbank and New Chum at paragraph 5.16 and 5.17 above are matters which affect an economic and environmental interest of Queensland and require me to take action under the Planning Act to protect, or give effect to, a State interest.

6.4 I am satisfied that the TLPI is an appropriate action, and that the requirements in section 23(1) of the Planning Act are satisfied, namely:

- (a) for the reasons set out at 6.2 above, I am satisfied that there is a significant risk of serious adverse economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18-22 of the Planning Act would increase the risk, particularly given the information received from Council about the potential for future development applications to intensify waste and landfill facilities in the Swanbank/New Chum area and that Council has not provided any TLPI to the State for assessment; and
- (c) I am satisfied that the making of the proposed TLPI appropriately balances the economic and environmental State interests at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum area, and does not adversely affect any State interests.

6.5 I have decided that the proposed intended action to make a TLPI should be taken urgently, in accordance with s.27(1)(b) of the Planning Act. The reasons for why the TLPI should be made urgently are that:

- (a) the Mayor wrote to me on 2 March 2018 and the council emailed the Department on 6 March 2018: advising that in addition to the two existing applications for landfill facilities, there is reason to expect up to 8 future

development applications for landfill facilities will be lodged in the Swanbank/New Chum industrial area; and requesting the State's assistance;

- (b) there are complex and competing State interests including the protection of the health, safety and amenity of communities and the environment and the identification and importance of the Swanbank/New Chum industrial area as a major enterprise and industrial area, which is intended that the TLPI is responsive to;
- (c) there is the potential for health impacts and biological air pollution (bioaerosols) from composting facilities;
- (d) for the reasons listed in 5.16 and 5.17 above, the Ipswich Planning Scheme is inadequate to deal with the assessment of a number of proposals for intensification of landfill and waste activities in the Swanbank/New Chum industrial area;
- (e) the Council has not yet taken any formal steps to make a TLPI, or taken action to amend its planning scheme;
- (f) based on the matters set out at 5.10 - 5.14 above, I consider that there is a real risk that new development applications will be lodged prior to the Council taking action, either in respect of making its own TLPI or amending the Ipswich Planning Scheme;
- (g) there is community concern about the potential for land use conflicts between landfill and waste disposal activities, and the proximate residential land use.

ATTACHMENT 5

PLANNING ASSESSMENT REPORT

TEMPORARY LOCAL PLANNING INSTRUMENT No.1 OF 2018 (WASTE ACTIVITY REGULATION)

IPSWICH CITY COUNCIL

1. EXECUTIVE SUMMARY

Instrument	<ul style="list-style-type: none">Proposed Temporary Local Planning Instrument No.1 of 2018 (proposed TLPI) to the <i>Ipswich Planning Scheme 2006</i> (the planning scheme)
Key Issues	<ul style="list-style-type: none">Serious community concerns exist around amenity impacts from landfills and other waste management activities in the Swanbank/New Chum industrial area on surrounding residential uses.Council has received two development applications in the Swanbank / New Chum industrial areaThe Mayor of Ipswich City Council wrote to you as Minister for State Development, Manufacturing, Infrastructure and Planning advising that the council has already received two development applications for landfill or waste transfer facilities to be located in the Swanbank / New Chum industrial area and that there is the potential for four additional landfill operations to be lodged in the future.The City Planner of Ipswich City Council emailed the Deputy Director-General Planning Group of the Department of State Development, Manufacturing, Infrastructure and Planning advising that the council expects to receive a further eleven development applications for landfill or waste transfer facilities, eight of which are located in the Swanbank/New Chum industrial area; and that there is the potential for a further four former mining sites that could be used for landfill or waste transfer facilities, two of which are located in the Swanbank/New Chum industrial areaThe Ipswich Planning Scheme does not adequately deal with the anticipated intensification of landfill and waste management activities.Council has written to the State asking for assistance.
TLPI Policy Intent	<ul style="list-style-type: none">To regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities.
Recommendation	<ul style="list-style-type: none">That the TLPI is made, notice of the TLPI be published in the gazette and the TLPI take effect on the day the notice is published in the gazette.

2. RELEVANT LEGISLATIVE PROVISIONS

Section 23 of the *Planning Act 2016*, (Planning Act), provides that a local government may make a temporary local planning instrument (TLPI) if the Planning Minister and a local government decides:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk; and
- (c) the making of the TLPI would not adversely affect State interests.

A TLPI is a local planning instrument that may suspend or otherwise affect the operation of another local planning instrument. The TLPI, however, does not amend or repeal the instrument.

Section 27 of the *Planning Act 2016* allows the Minister to take action (including to make a TLPI) if the Minister considers:

- (a) The action should be taken to protect or give effect to a State interest; and
- (b) The action must be taken urgently.

3. ISSUES

Ipswich City Council

The planning scheme commenced on 23 January 2006 under the now repealed *Integrated Planning Act 1997*. The Swanbank/New Chum industrial area is a regionally significant industrial park that was historically used as an area for open cut mining. The planning scheme envisages a range of uses for the area, predominantly of an industrial nature and includes landfills. Accordingly, the Swanbank/New Chum industrial area includes a number of existing industrial, landfill and composting activities.

Over the past few years, the Ipswich local government area has seen exponential growth in landfill and waste management activities in the Swanbank/New Chum industrial area. It has become apparent that council's planning scheme has not adequately responded (confirmed through community opposition) with the pace of development and the issues arising from these activities.

Council has received two development applications in the Swanbank and New Chum industrial area:

- 1) A development application lodged, on or about 28 June 2017, by Bio-Recycle Pty Ltd (the Bio-Recycle Proposal) for a development permit for:
 - (a) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (b) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year); and
- 2) A development application lodged, on or about 13 February 2018, by Austin BMI Pty Ltd (the BMI Proposal) for a development permit for:
 - (a) a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
 - (b) operational works for the clearing of vegetation;
 - (c) a material change of use for the following environmentally relevant activities:
 - (i) ERA 60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;

- (ii) ERA 33 - Crushing, grinding, milling or screening more than 5,000t of material in a year; and
- (iii) ERA 62 - waste transfer station.

The Bio-Recycle Proposal was lodged with the council on 28 June 2017, under the now repealed *Sustainable Planning Act 2009* (SPA), and was refused by the council on 18 January 2018. The decision of the council was appealed and a notice was given to the Chief Executive administering the Planning Act on 9 February 2018.

The BMI Proposal was lodged with the council on or about 13 February 2018, under the Planning Act. The BMI Proposal was referred to the State Assessment and Referral Agency (SARA) on 16 March 2018 for the Chief Executive's assessment against the following referral triggers:

- (a) Schedule 10, Part 5, Division 4, Table 2, Item 1 Environmentally Relevant Activities
- (b) Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 State transport infrastructure
- (c) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 State transport corridor.

The BMI Proposal is currently still under assessment by the council and SARA.

On 2 March 2018, the Mayor of Ipswich City Council wrote to you (**Annexure 1**) as the Minister for State Development, Manufacturing, Infrastructure and Planning with respect to these two development applications, stating–

"These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests. The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities.

...

In addition to this, there is potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer."

The Mayor further requested you call in the Bio-Recycle Proposal.

On 6 March 2018, the City Planner for the Ipswich City Council emailed (**Annexure 2**) the Deputy Director-General Planning Group of the Department of State Development, Manufacturing, Infrastructure and Planning (the department) in respect of the Bio-Recycle Proposal and the BMI Proposal stating–

"We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes."

The email from the City Planner attached two Waste Activity Location Maps that spatially identified the anticipated further applications and the former mining sites within the Swanbank/New Chum industrial area and the Willowbank area (**Annexures 3 and 4**). The department has reviewed this information and found:

Swanbank / New Chum industrial area

- 2 lodged development applications
- 8 expected development applications

- 2 former mining sites with the potential for similar development

Willowbank

- 1 existing landfill
- 2 expected development applications
- 2 former mining sites with the potential for similar development

The council has not identified the source of the information in the mapping. Notwithstanding this, as the relevant assessment manager under the Planning Act, the department notes that the council is in a position to have had pre-lodgement discussions and other enquiries with potential proponents. Further, the uncertainty in respect of possible future applications adds to the risk profile and supports the need for urgent action.

Both requests from the council identify concerns in respect to the Swanbank / New Chum industrial area and the Willowbank area. The department has reviewed the two localities and found the majority of the current and potential development activity is focussed on the Swanbank / New Chum industrial area. In addition to this, it is noted that the Swanbank / New Chum industrial area is located within a heavily urbanised environment that has experienced significant residential growth of the past (**Annexure 5**). Whereas the Willowbank area is on the western fringe of East Ipswich and within a rural setting. While there is a small residential community nearby, it is predominantly surrounded by rural activity, historic mining activity, cemeteries, the RAAF Amberley Base, the Willowbank Raceway and the Queensland Raceway (**Annexure 6**). In summary, the Swanbank / New Chum industrial area is surrounded by an existing and expanding urban environment and the Willowbank area is located in a semi-rural/industry area impacted on by other existing and regionally/nationally significant, high impact activities.

As a result, the department recommends particular focus be given to the Swanbank / New Chum industrial area.

The Lyons Report

The report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" (the Lyons Report), dated 17 November 2017 states that, according to a report undertaken by Arcadis:

- there were approximately 226 landfills in Queensland up to financial year 2015 and 20 landfills were located in South East Queensland;
- approximately half of all waste disposed to landfill in Queensland are processed at facilities that are located at Swanbank, New Chum and Willowbank;
- waste generators from interstate are disposing of their waste in the Ipswich area; and
- none of the significant landfills in the Ipswich local government area are owned by local government.

The Lyons Report stated (paragraph 77):

EHP has informed the investigation team that all but 2,000 tonnes of the waste coming into Queensland from outside of the State is being transported into SEQ. Data collected by EHP and industry information indicate that the majority of waste from interstate sources is going into facilities near Ipswich. Figure 3 is a map of key waste disposal facilities that has been prepared by Arup based on an analysis of a number of sources.

and (paragraph 170):

In addition, as the Ipswich City Council has noted in a submission to the investigation, "the movement and disposal of waste from southern states to privately owned landfills in Ipswich is considered to have a negative impact on the Ipswich community by creating a perception that Ipswich has become 'a dumping ground' for other state's waste."

The recommendations made by the Lyons Report are as follows:

Recommendation No. 1

The Government should consider implementing a general levy on all waste disposed of at landfill in Queensland.

Recommendation No. 2

The Minister for Environment and Heritage Protection and the Department of Environment and Heritage Protection should continue to engage with the corresponding Ministers and Agencies in other Australian States and Territories about the design and implementation of a national framework that would reduce or limit the unnecessary transportation of waste within Australia¹.

Both of these recommendations made in the Lyons Report are supported by the Queensland Government as confirmed in the document "Queensland Government response Investigation into the transport of waste into Queensland" announced on 20 March 2018.

Ipswich Planning Scheme 2006

Having regard to the Ipswich Planning Scheme 2006, it is noted that:

- (a) the Bio-Recycle Proposal and the BMI Proposal are located wholly within the Swanbank New Chum Land Use Concept Master Plan, Figure 6-7-1;
- (b) there are no separation distances in the Council's planning scheme which are relevant to the Bio-Recycle Proposal and the BMI Proposal;
- (c) the Strategic Framework, being contained in section 1.5 within the planning scheme is not a relevant consideration in the Council's assessing and deciding land and waste management development applications (including the Bio-Recycle Proposal and the BMI Proposal). Section 1.5, sub-section (2) specifically states that the Strategic Framework is not relevant to development assessment;
- (d) the Desired Environmental Outcomes (DEOs), being contained in section 3.0 within the planning scheme, is a relevant consideration in the Council's development assessment function. However, the DEOs identified within section 3.1(3) are high level and not specifically written in contemplation of assessing and deciding landfill and waste management development applications;
- (e) key growth areas being the Ripley Valley Priority Development Area are covered by a separate mechanism being the Ripley Valley Development Scheme (October 2011) and this development scheme continues to provide for the continued growth and expansion of the Ripley Valley Town Centre and new, master planned communities, separate to, and outside of, the jurisdiction of the local government's planning scheme and more specifically, the Swanbank/New Chum land use concept master plan contained in the planning scheme.

Further, there are several components of the planning scheme that the department considers affect its suitability as an effective planning instrument to manage these competing industrial and residential land uses, including:

- there are no separation distances in the council's planning scheme which are relevant to development applications within the Swanbank/New Chum industrial area;
- there are no visual amenity provisions for landfill and waste management activities;

¹ Page. 40, report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" dated 17 November 2017.

- landfills and other waste activities are categorised as 'special industries' under the planning scheme and are code assessable if an applicant can demonstrate that there are "no discernible impacts outside of the zone".

It is noted that the Swanbank/New Chum industrial area is proximate to residential communities, including the Ripley Valley Priority Development Area (PDA).

Community concern

In his letter to the Minister dated 2 March 2018, Councillor Andrew Antonioli, Mayor, Ipswich City Council identified that the residents of Ipswich are unhappy about the number of dumps in Ipswich.

This community concern was evidenced by attendance at a local town hall meeting in Booval on 13 March 2018. A media article in the Queensland Times (15 March 2018) highlights landfill activities being a key focus for the local community with over 400 residents attending the meeting. Premier Anastacia Palaszczuk is quoted as declaring she 'would not stand for Queensland being the dumping ground for New South Wales'.

The department has also received numerous items of correspondence from a community group called 'IRATE' opposing landfill activities within Swanbank, particularly concerns include odour, dust and condition and compliance matters.

The Council made a submission to the Investigation into the Transport of Waste into Queensland (**Annexure 7**) which culminated in the release of the Lyons Report. In its submission, the Council noted community concerns over the impacts that landfill activities are having on the Ipswich community.

In addition to the above, the department has identified that there has been widespread print and digital media coverage of this issue including (amongst possible others): 612 ABC radio news bulletins and talk-back radio; various commercial television news bulletins; an ABC Four Corners exposé; and numerous pieces published in the Queensland Times, Courier Mail and Sydney Morning Herald.

Parliamentary motion – Move to call in BMI Proposal

In response to community concerns over landfill and waste management development in the Swanbank / New Chum industrial area, the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, moved a Parliamentary Motion (refer to **Annexure 8** for Hansard transcript) on 21 March 2018 calling on the government to call-in the BMI Proposal.

4. STATE INTERESTS

The department has undertaken the following assessment of the potential impacts to State interests from the current and expected proposals for Waste activities in the Swanbank/New Chum industrial area.

A "State interest" is defined as an interest that the Minister considers:

- affects an economic or environmental interest of the State or a part of the State; or
- affects the interest of ensuring that the Planning Act's purpose is achieved.

Under section 8(2) of the Planning Act, the State Planning Policy (SPP) dated July 2017 and the *South East Queensland Regional Plan 2017* (the Regional Plan) are state planning instruments which are made by the Minister to "protect or give effect to State interests".

The SPP has been considered and it is noted that:

- (a) Part E: State interest policies and assessment benchmarks, Planning for safety and resilience to hazards, Emissions and hazardous activities, page 48, relevantly states:

Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:

- *locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical, incorporating any required buffers within the site of the development*
- *ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to locate land uses*
- *designing incompatible developments to avoid or mitigate any potential impacts².*

- (b) Part E: State interest policies and assessment benchmarks, State interest - emissions and hazardous activities, policy (4), page 49, relevantly states:

"(4) Sensitive land uses are protected from the impacts of previous activities that may cause risk to people or property including:

- (a) former mining activities and related hazards (e.g. disused underground mines, tunnels and shafts)*
- (b) former landfill and refuse sites*
- (c) contaminated land."*

- (c) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, Liveable communities, page 25, relevantly states:

"The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing.

...

All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development."

- (d) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, State interest - Liveable communities, policy (3), page 26, relevantly states:

(3) Development is designed to:

- (a) value and nurture local landscape character and the natural environment*
- (b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity*
- (c) maintain or enhance opportunities for public access and use of the natural environment.*

- (e) The SPP identifies the state interest of Emissions and hazardous activities (pages 48 and 49).

- (f) This state interest specifically identifies that the protection of the health, safety and amenity of communities and the environment is a fundamental role of land use planning (page 48).

² Page 48, SPP, 3 July 2017.

(g) The SPP also specifically identifies the need to protect specified existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively. Waste management facilities are identified as a land use requiring protection (page 49).

(h) The SPP contains the following statements:

- (i) 'Some activities have the potential to cause nuisance to communities and other sensitive land uses through environmental emissions such as air, odour and noise pollution' (page 48)
- (ii) 'Other developments, such as those that involve hazardous materials, can pose an even greater risk to the health and safety of communities and individuals, and the natural and built environment' (page 48)
- (iii) 'Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:
 - A. locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical incorporating any required buffers within the site of the development
 - B. ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to-locate land uses
 - C. designing incompatible developments to avoid or mitigate any potential impacts (page 48)
 - D. protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:.... (f) Waste management facilities' (page 49).

(i) The SPP also identifies the state interest of Liveable communities at page 25 which provides:

- (i) that liveable communities are of interest to the state as 'The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing' (page 25)
- (ii) 'All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development (page 25).

The Regional Plan has been considered and the following statements specifically in relation to the PDA are noted:

- (a) Goal 1 Grow states 'There is housing choice and sufficient land to accommodate the projected population and employment growth in an affordable and sustainable way to meet the community's changing lifestyle needs' (page 38), with Ripley Valley identified as a large residential expansion area
- (b) Sub-regional outcomes include Outcomes for Grow which seek 'to deliver new and more complete communities that are well-planned and serviced' (page 130), including in Ripley Valley which together with Springfield and Rosewood/Thagoona/Walloon 'will

accommodate the largest proportion of the sub-region's planned expansion ...These places will develop as new high-quality communities' (page 130)

- (c) Sub-regional outcomes include Outcomes for Live which seek to develop and promote great places which 'will support the sub region's liveability, prosperity, sense of identity and community' (page 136) and which includes Ripley, 'a vibrant new town centre that services the Ripley Valley master-planned community' (page 136).

The Regional Plan contains the following statements which relate specifically to the Swanbank / New Chum area:

- (a) The Swanbank/New Chum industrial area is identified in the Regional Plan as being within the South West Industrial Corridor REC. The Regional Plan states that 'Supported by significant state and national transport infrastructure, this well-established REC, which spans into the Metro sub-region, contains the most significant industrial cluster in the region' (page 132).
- (b) The Regional Plan identifies Swanbank as being a major enterprise and industrial area in the South West Industrial Corridor REC (page 61), and states that 'Major enterprise and industrial areas accommodate medium- and high-impact industries and other employment uses associated with, or with access to, state transport infrastructure. These areas are major drivers of economic growth. They are either significant in size or have the potential to expand to provide for industry and business activity clusters of regional and state significance' (page 58)
- (c) The Swanbank/New Chum industrial area is located within the Western sub-region which 'contains SEQ's major rural production and regional landscape areas, and is supported by the major cities of Ipswich and Toowoomba. These cities contain significant expansion areas, Regional Economic Clusters (RECs) and infrastructure connections of national significance (page 127)
- (d) Goal 2 Prosper states that 'Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities' (page 50) and that 'Maximising the region's traditional strengths and RECs will drive greater levels of local employment throughout SEQ' (page 50)
- (e) Strategy 1 of Element 2: Regional Economic Clusters is to 'Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity' (page 52).

The Department is satisfied there are numerous interests involved that meets the definition of State interest. In addition, given the existing development applications, and the potential for further development applications to be made for waste activities in the Swanbank/New Chum industrial area, coupled with the issues identified in section 3 above, the Department is satisfied that action should be taken to protect, or give effect to, those State interests.

5. PROPOSED TLPI – ASSESSMENT

Section 23 of the Planning Act states that a local government may make a TLPI if the local government and the Minister decide:

- a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
- c) the making of the TLPI would not adversely affect State interests.

The Mayor wrote to you on 2 March 2018 and the City Planner for the council wrote to the department on 6 March 2018, requesting intervention and assistance in regard to this matter. As at 29 March 2018, the council had not yet commenced the first step of rectifying this matter by resolving to either amend the planning scheme or to make a TLPI.

Under section 27 of the Planning Act, you as the Planning Minister, can determine to take action (under section 26(2) of the Planning Act) if you consider action should be taken to protect, or give effect to, a State interest; and the action must be taken urgently.

As a consequence of the council not commencing action to rectify the issues discussed in Section 3 above, the department recommends that you determine to make a TLPI.

A draft TLPI (the proposed TLPI) has been prepared for your consideration and the following assessment has been made against the proposed TLPI.

(a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area

Based on the assessment of issues identified in Sections 3 and 4 above, there is a significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area:

- two significant landfill and waste management applications already received by the Council
- the council expects a significant number (eight) of further landfill and waste management development applications to be made in the Swanbank/New Chum industrial area
- the Lyons Report demonstrates an exponential increase in landfill and waste management coming to Queensland with approximately 50% of all waste disposed of in Queensland happening at Swanbank, New Chum and Willowbank
- the Ipswich Planning Scheme is deficient in its consideration and assessment of landfill and waste management development applications; and ensuring the protection of residential and sensitive land uses from adverse impacts
- the Swanbank/New Chum industrial area is identified as a major enterprise and industrial area in the South West Industrial Corridor REC in the Regional Plan
- there has been significant social impact occurring as evident through the community concern being raised over the impacts of landfill and waste management activities in the Swanbank / New Chum industrial area:
 - widespread print and digital media coverage of the issue
 - town hall meeting where more than 400 community members attended
 - Parliamentary motion moving the government call in the BMI Proposal

(b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk

Amending the planning scheme using sections 18 to 20 of the Planning Act would take a significant amount of time to complete (anywhere from nine months to three years) and the delay involved in completing this process would significantly increase the above risk, in particular that a number of development applications would be made to new and expanded landfill and waste activities in the Swanbank/New Chum industrial area.

(c) the making of the TLPI would not adversely affect State interests.

Having regard to the State Interest assessment above, the Department considers the proposed TLPI appropriately balances the economic and environmental State Interests that are at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum industrial area and does not adversely affect any State interests.

Section 27 of the Planning Act—

Section 27 of the Planning Act provides that the Minister can take urgent action *to protect, or give effect to, a State interest.*

Council request for assistance

- The Mayor wrote to you on 2 March 2018 and the council emailed the department on 6 March 2018, requesting intervention and assistance in this matter
- As at 29 March 2018, the council had not yet commenced the first step of rectifying this matter by resolving to either amend the planning scheme or to make a TLPI
- Council has identified that in addition to the 2 development applications that have already recently been made for landfill and waste disposal activities, a further 8 applications are anticipated in the Swanbank/New Chum industrial area.

Complex and competing state interests

- Under the Planning Act, the council cannot make a TLPI where it adversely affects a State interest
- Under the Planning Act, you as the Minister for Planning, cannot approve the making of a TLPI where it adversely affects a State interest
- The issues discussed in Section 3 above and the State interests identified in Section 4 above, involve highly complex and competing State interests including:
 - the protection of the health, safety and amenity of communities and the environment
 - the identification and importance of the Swanbank/New Chum industrial area as a major enterprise and industrial area

Time required for the council to make a TLPI

- Should the council propose to make a TLPI it must first resolve (at full council) to do so. This has not yet occurred.
- The council then submits the TLPI for your consideration and decision
- Should the council prepare a TLPI that you decide adversely affects a State interest, it would be required to amend and resubmit the proposed TLPI for your consideration and decision
- If and when, the council receives your approval to adopt the TLPI it must resolve to adopt it (noting the council can request your approval for an earlier commencement date)
- Given the complex and competing State interests, it is considered that any proposed TLPI prepared by the council may result in an adverse effect on one or more State interests
- Given that the Council has not yet commenced the formal steps to make a TLPI, and there is the potential for the making of a TLPI to be further delayed where State interests are adversely affected, it is considered likely that there is a real risk of further development applications being made prior to appropriate amendments to the planning scheme commencing, or a council-initiated TLPI taking effect.

It is therefore recommended that you take urgent action under Section 27 of the Planning Act to protect, or give effect to, a State interest.

6. PROPOSED TLPI – PURPOSE AND EFFECT

The Department has prepared a proposed TLPI and considers it appropriately addresses potential conflicts between competing State interests (being to ensure community health and safety, and the

natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities; and the balancing of economic interests of a major enterprise and industrial area).

The Swanbank / New Chum industrial area has seen an increase in composting. Due to the potential for health impacts, biological air pollution (bioaerosols) from composting facilities have become a cause of increasing concern across many communities (not just Swanbank / New Chum). The department is of the view that estimating bioaerosol exposure is problematic due to limitations in current monitoring methods, model inputs and the complexity of the emission sources.

The department holds strong concerns regarding existing composting activities within the Swanbank / New Chum industrial area. Further investigation is required to form a policy position on this specific land use within this location. The department is of the view that the council is best placed to conduct this investigation whilst amending its planning scheme in response to the TLPI.

Given the Swanbank / New Chum industrial area is surrounded by an existing and growing urban environment, it is recommended that applications for new or expanded composting activities (that are exposed to the air) are not supported within the TLPI; and that the council be encouraged to investigate this matter when amending the planning scheme in response to the TLPI.

Detail on the proposed TLPI purpose and effect is detailed below.

Purpose of the TLPI

The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area located within the Ipswich local government area; and to ensure waste activities are appropriately located to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities whilst allowing regionally significant economic activity to continue.

To achieve this purpose, the TLPI—

- (a) includes Strategic Outcomes for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area.
- (b) includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”;
 - (vi) “Waste Activity Use”;
- (c) includes three waste activity regulation areas:
 - (i) “Swanbank / New Chum Buffer Area”;
 - (ii) “Swanbank / New Chum Medium Impact Waste Area”;

- (iii) "Swanbank / New Chum High Impact Waste Area".
- (d) prescribes the level of assessment and assessment criteria for "Waste Activity Uses"; and
- (e) includes a land use code, being the "Swanbank / New Chum Waste Activity Code".

Policy Intent of the TLPI

The overall policy intent for the TLPI includes:

- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
- (b) Waste Activity Uses:
 - (i) do not have a detrimental impact on the amenity of sensitive land uses, particularly existing, approved or planned residential areas or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

The specific policy intent for the TLPI includes:

- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occur only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving "Landfill" or "Compost Manufacturing Enclosed" occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
 - (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
 - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and

- (b) avoids the creation of landscapes that extend significantly beyond the predominant level of the surrounding topography.
- (6) Waste Activity Uses are developed in a manner that:
- (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through stormwater runoff, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive land uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to nearby sensitive receivers; and
 - (c) the generation of noise or light overspill do not cause nuisance or disturbance to nearby sensitive receivers.

Effect of the TLPI

The TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

The assessment benchmarks under the TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(1)
- (b) Attachment B: the "Swanbank / New Chum Waste Activity Use Code"; and
- (c) Attachment C: Table 1 - Table of Assessment and Relevant Assessment Criteria.

Further, the Strategic Outcomes set out in Part 3.2(1) of the TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.

Additional definitions have been included:

"Clean Earthen Material" means–

- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
- (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater', forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

"Compost Manufacturing Enclosed" means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and

(c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

“Compost Manufacturing Unenclosed” means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

“Landfill” means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

“Rehabilitating a mining void” means–

- (a) the filling of a mining void involving only ‘clean earthen material’

“Waste Activity Use” means–

the use of premises for waste industry purposes, including but not limited to:

- (a) “Compost Manufacturing Enclosed”;
- (b) “Compost Manufacturing Unenclosed”; and
- (c) “Landfill”;
- (d) “Rehabilitating a mining void”.



Mayor Andrew Antonioli JP (Qual)

**City of Ipswich
Queensland Australia**

2 March 2018

The Honourable Cameron Dick
Minister for State Development, Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister, 

Waste and Landfill Challenges for Ipswich City Council

As per my lengthy discussion with Barnaby Kerdel, your Chief of Staff yesterday, I write for your support and assistance in regards to several major waste application issues currently facing Ipswich City Council (ICC).

It is no secret that, following a story on four Corners in August 2017, Ipswich has quickly become known as the dump capital of Australia. It is not a title we are proud to claim, I can assure you, but I am also aware that it's not a situation Council can easily address without significant assistance from the State Government.

Ipswich City Council and our officers are no strangers to dealing with these complicated matters, and has done so successfully for many years. However, the scale, intensity and scope of issues associated with these activities, in particular, mean that it is time for us to stand shoulder to shoulder with our State Government colleagues on these matters. Importantly, Council has an excellent track record in working with the State Government, most notably we were the first Local Government to be given delegation from Economic Development Queensland for development assessment functions in the Ripley Valley Priority Development Area. We have done this fruitfully, and value our positive relationship with EDQ officers and the executive, and the collective success we have had in the Ripley PDA to date.

ICC's planning team is currently dealing with several major waste application issues at the moment.

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 [MayorAndrewAntonioli](https://www.facebook.com/MayorAndrewAntonioli)  [AAntonioli](https://twitter.com/AAntonioli)



These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests.

The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities.

I understand that a significant proportion of waste traffic into Ipswich is from interstate. It is very concerning that the growth in this industry in Ipswich is likely to be a result of the lack of a waste levy in Queensland, which we obviously would support. I also acknowledge that this is a growing priority for the government and I will wait the outcome with anticipation – this issue needs to be resolved with haste and I offer my support to the government.

However, until there is a resolution to deal with the interstate transportation of waste, we have two immediate priorities that need to be addressed as a matter of urgency, as follows.

1) Bio Recycle Proposal, Memorial Drive, Swanbank

Council recently refused an application to extend an existing approved landfill to increase its intensity, capacity and volume. The effect of the changes would bring the height of landfill beyond the existing landform. During landfilling and construction, this landfill will be visible from nearby residential communities, including parts of the Ripley Valley Priority Development Area. The proposed height of the landform is in the order of 30 metres above the existing approved level of landfilling.

Council is also concerned about the emerging focus of the waste industry to not only fill / rehabilitate mining voids, but create mountains of waste which extend beyond the already disturbed terrain throughout this area. The community is also understandably concerned.

This matter is subject to an appeal in the planning and environment court. The appeal reference is 473 of 2018 and was lodged on 9 February 2018. I attach a map indicating the location of this proposal.

2) BMI Ipswich Resource Recovery Facility, Swanbank

Council has recently received an application for a new landfill to be established in a former mining void. The void is one of the largest and deepest in Ipswich. The proposal involves the dewatering of this void, its preparation for landfilling and the landfilling of the void to heights beyond the surrounding landform. This is a recent submission received by Council and a confirmation notice has just been issued. Formal assessment of the application is commencing. The proposed landform is between 20 and 60 metres above existing levels.

The following core issues are identified and are common to both proposals:

- Matters of state significance including:
 - Statewide and interstate waste transport issues
 - State controlled road network impacts
 - Major environmental issues including long-term community health concerns and uncertain landfill gas implications
 - Water resource issues
 - Uncertain complex geotechnical and stability issues with potentially far-reaching implications (interacting with past underground mining tunnels, faults and other geotechnical features etc.)
 - Uncertain groundwater implications, including potential interaction with water-filled historic underground mining tunnels
 - Cumulative impact of waste industry growth in the region
 - General implications on a Priority Development Area (amenity, perception)
 - It is doubtful that there is a need for the scale, intensity and volume of these types of proposals if there is a focus on servicing local or regional need
- Uncertain impacts on surface water flow in the area
- Impacts on major waterways (including Six Mile Creek) with specific reference to dewatering for project two (2) (contamination, pollution, flooding etc.)
- Long-term maintenance post development
- Visual impacts during and after construction
- Potential for major amenity impacts including, but not limited to, dust, noise, air quality, odour for nearby residents including the Ripley PDA and existing community
- Regional significance given that this proposal will not be just for waste from the Ipswich Local Government Area

Importantly, many of these impacts have the potential to have a detrimental effect on land owned by many other parties, including Local Government and State Government (land and assets). The cumulative implications of the above issues may have far-reaching consequences for the community, the State Government, the Council and any attempts to address many of these issues are beyond the scope of a regular development assessment process and Local Government.

As an example, addressing the issues associated with groundwater and the potential interaction with other mining voids, or areas already constrained by past underground mining, has an unclear spatial boundary with potential impacts on existing communities. The scale of such impacts may be consistent with or exacerbate the mining issues experienced in locations like Collingwood Park recently.

The assessment of these applications and the potential for lengthy and expensive planning appeals are very likely to be a significant burden on Ipswich City Council and our ratepayers. It is likely that a single appeal in these matters could cost well in excess of \$500,000 to \$750,000, with an uncertain outcome.

In addition to this, there is a potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer.

Minister, we are also looking at revising our planning scheme, and we have a number of other initiatives we would like to present to the State Government for consideration over the coming weeks that would help us to address this growing dump concern for Ipswich. Our residents are understandably unhappy about the number of dumps in our city, including the quantity issue, we have an odour problem that the State just can't seem to get on top of.

Addressing the waste and landfill issue is my absolute priority, but I need your assistance. To this end, I respectfully request that the State Government institute a 'call in' pursuant to the relevant provisions of the *Planning Act 2016* and the *Planning Regulation 2017* for proposal number one (1), as described above. We believe this application is of enormous state (and local) significance. We would very much appreciate your assistance and would offer any resources we are able to in supporting your department in the processing and determination of such a request.

As noted above, we will provide a watching brief on the proposal number 2 (BMI) throughout the development assessment process.

I would very much like the opportunity to discuss the above with you via the phone at your earliest convenience.

I thank you in advance for your support and I look forward to hearing from you.

Kind regards,



Mayor Andrew Antoniolli
City of Ipswich

Encl

Current Waste
Activity Location
Map



City of
Ipswich



Sophie Smith

From: Teresa Luck
Sent: Thursday, 29 March 2018 2:45 PM
To: Graeme Bolton
Subject: FW: Landfill in Ipswich
Attachments: Mayor Andrew Antonioli - Waste and landfill issues.pdf; Waste Activity Location Map 1_sml.pdf; Waste Activity Location Map 2_sml.pdf

As requested.

Cheers
Teresa



Teresa Luck
Director
Office of the Deputy-Director General – Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 3452 7672 M [Sch. 4\(4\)\(6\) - Discld](#)
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.dsdmip.qld.gov.au

From: John Adams [mailto:John.Adams@ipswich.qld.gov.au]
Sent: Tuesday, 6 March 2018 5:39 PM
To: Kerry Doss <Kerry.Doss@dsdmip.qld.gov.au>
Cc: John Adams <John.Adams@ipswich.qld.gov.au>
Subject: RE: Landfill in Ipswich

Hi Kerry.
Thanks for returning my call yesterday

Please find attached a copy of our Mayor's letter to the Minister.

I have also attached two (2) maps indicating the significant concentration of landfills and waste industries at both Swanbank/New Chum and Ebenezer/Willowbank. It is also worth noting the proximity of these sites to both existing and approved/planned residential areas.

As you are aware we have refused one application (Biorecycle) and that is currently on appeal to the P&E Court. We have a further application (BMI) for which we have significant concerns and that is also likely to end up before the P&E Court. We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes.

There are two principal matters that are driving this upsurge in waste industry activity in Ipswich:-

1. The availability of former mining voids.

2. The opportunity to transport and dump large quantities of waste without paying a State waste levy. This is a particular issue given the relative ease of access that Ipswich has to the highway network connecting into NSW (as well as throughout Queensland).

The State Government has significant responsibility for the outcomes of 1 and 2 above.

For many years the local waste industry operated on a relatively small scale, generally away from residential areas with only small scale, localised impacts.

We are now witnessing an explosion of waste activity and major concerns about cumulative impacts at the same time that the City's urban footprint is rapidly expanding to meet the SEQ Regional Plan's growth targets. Not only is the waste industry proposing to fill all available mining voids, they are also proposing to create 'waste mountains' far above the surface of the former mining voids. The cumulative impacts are extending well beyond the zoned industrial areas and are significantly impacting on residential amenity, particularly in terms of air quality, dust, odour, water quality/run off and visual amenity.

As you are aware there are many 'cowboy' operators within the waste industry and both DES and Council have struggled to ensure full compliance with relevant conditions of approval.

There is a need for both short and medium term actions to address this situation.

The short term actions include:-

- a ministerial call of the current major waste applications (Biorecycle and BMI); and
- a new TLPI to create a stronger regulatory planning framework for waste industries (preferably to deliver a 2 year moratorium via prohibitions or very stringent controls).

The medium term actions include:-

- introduction of a State waste levy;
- stronger State regulation of waste industries; and
- permanent amendments to the Ipswich planning scheme.

I look forward to continuing to work with you and other State Agencies in resolving these difficult matters.

Please do not hesitate to contact me if you need any further information.



John Adams | City Planner
Planning and Development Department

T | 07 3810 6255

Confidential Communication | [Email Disclaimer](#)

From: Kerry Doss [<mailto:Kerry.Doss@dsmip.qld.gov.au>]
Sent: Tuesday, 6 March 2018 7:03 AM
To: John Adams
Subject: Landfill in Ipswich

Hi John,

If you could send through a copy of the letter from your Mayor to Minister and details of the number of sites/applications that are involved that would be great.

Could you also put some thought to whether you think your scheme is robust enough or where there are other legislative short-falls and what would be required to put matters like this beyond doubt as I don't think resorting to ministerial call ins every time you get such an application is sustainable or desirable.

Regards

Kerry



Kerry Doss
Deputy Director General
Planning Group
Department of State Development,
Manufacturing, Infrastructure and Planning

**Queensland
Government**

P 07 3452 7909 M Sch. 4(4)(6) - Discl
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Mayor Andrew Antonioli JP (Qual)

**City of Ipswich
Queensland Australia**

2 March 2018

The Honourable Cameron Dick
Minister for State Development, Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister, 

Waste and Landfill Challenges for Ipswich City Council

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 [MayorAndrewAntonioli](https://www.facebook.com/MayorAndrewAntonioli)  [AAntonioli](https://twitter.com/AAntonioli)



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Addressing the waste and landfill issue is my absolute priority, but I need your assistance. To this end, I respectfully request that the State Government institute a 'call in' pursuant to the relevant provisions of the *Planning Act 2016* and the *Planning Regulation 2017* for proposal number one (1), as described above. We believe this application is of enormous state (and local) significance. We would very much appreciate your assistance and would offer any resources we are able to in supporting your department in the processing and determination of such a request.

As noted above, we will provide a watching brief on the proposal number 2 (BMI) throughout the development assessment process.

I would very much like the opportunity to discuss the above with you via the phone at your earliest convenience.

I thank you in advance for your support and I look forward to hearing from you.

Kind regards,



Mayor Andrew Antoniolli
City of Ipswich

Encl

Current Waste Activity Location Map

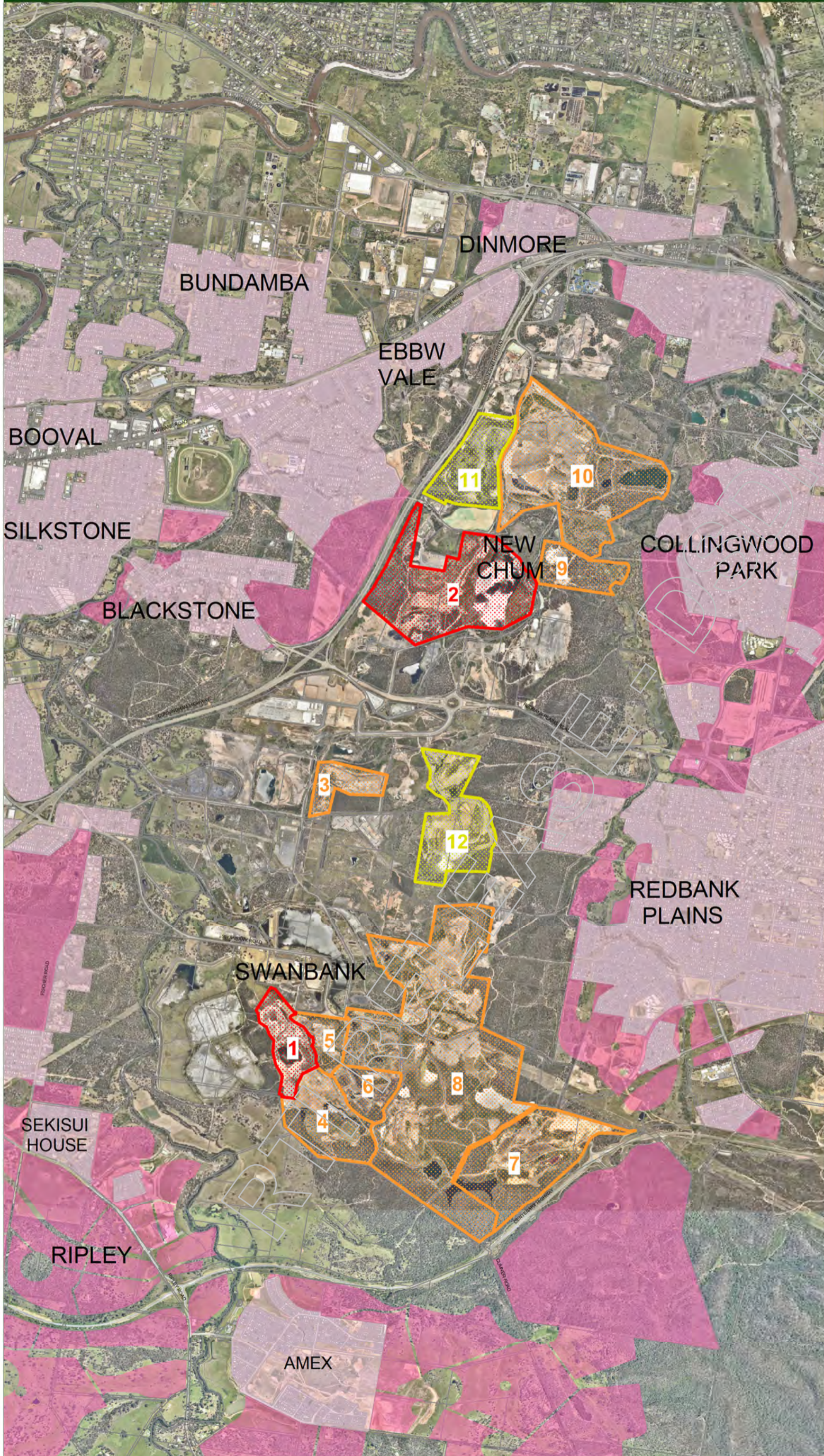


City of Ipswich










IPSWICH CITY COUNCIL
 45 Roderick Street, Ipswich Queensland 4305
 Data Compiled by: Strategic Planning Branch,
 Planning & Development Department
 Phone: (07) 3810 6888
 Fax: (07) 3281 7085
 Email: strategic@ipswich.qld.gov.au



Landfills / Waste Industries

-  **Lodged**
 - 1 BioRecycle - current refused extension to landfill (subject to appeal)
 - 2 BMI - current proposal, recently lodged with ICC
-  **Expected**
 - 3 BMI Waste Transfer Station and Landfill - Alleged Rehabilitation under the Mineral Resources Act
 - 4 BioRecycle and Lantrak Landfills
 - 5 Lantrak Waste Transfer Station
 - 6 Nugrow Composting
 - 7 WMI Composting
 - 8 Remondis Landfill
 - 9 Shiftwaste - possible landfill
 - 10 Cleanaway Landfill
-  **Potential**
 - 11 Cleanaway - Former Mining Overburden
 - 12 Wattle Glenn Landfill (Veolia)

Residential

-  Existing Residential
-  Approved / Planned Residential

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Map Grid : Geocentric Datum of Australia (G.D.A.)
 Level Datum : Australian Height Datum (A.H.D.)

Legend



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Landfills / Waste Industries



Expected / Potential

- 1 Ti-Tree Veolia - Historic Existing Landfill
- 2 Zedemar - prelodgement for possible landfill
- 3 Tetard - possible landfill
- 4 Tetard - prelodgement for possible landfill
- 5 Tetard - possible landfill

Residential



Existing Residential



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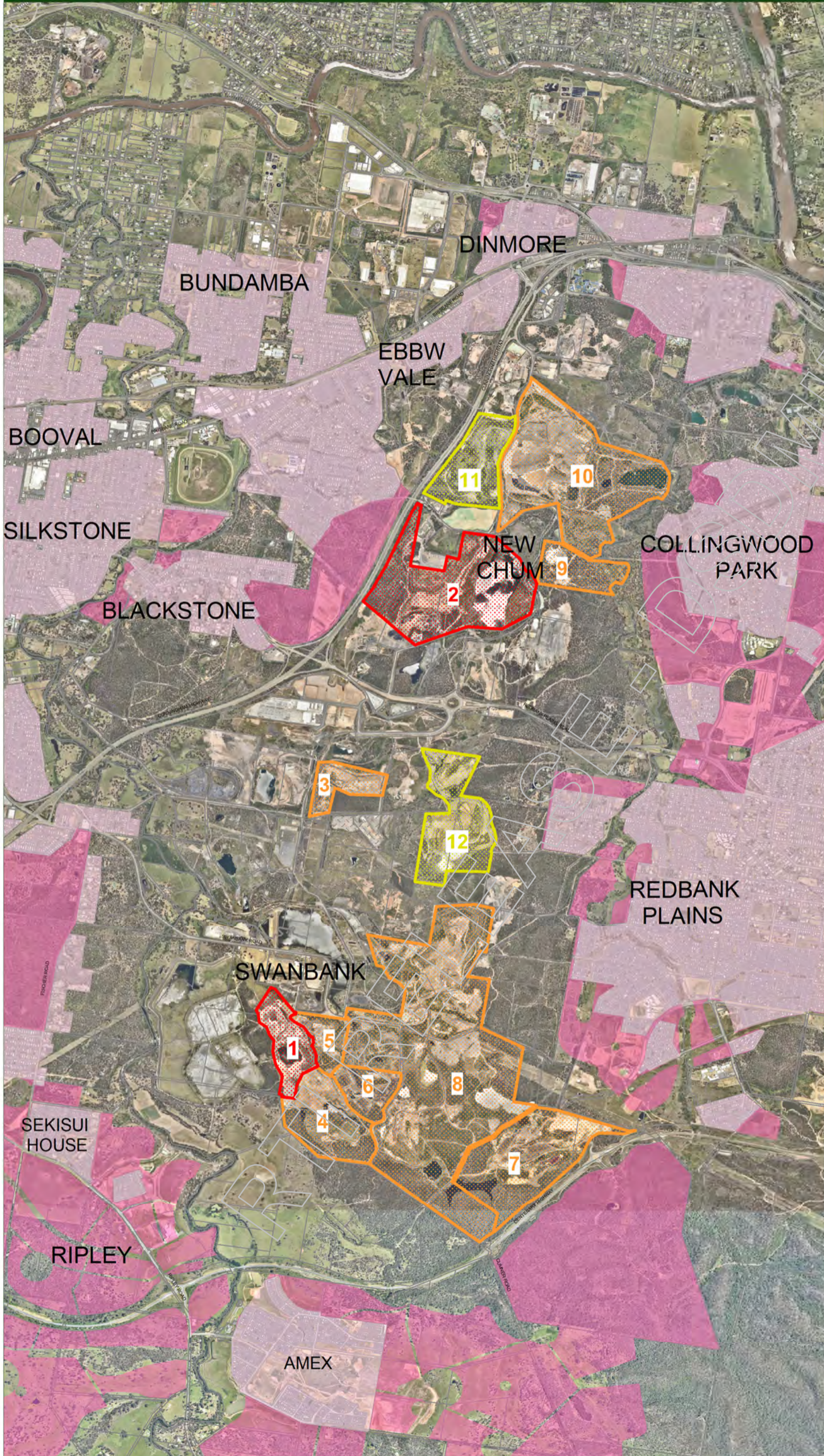
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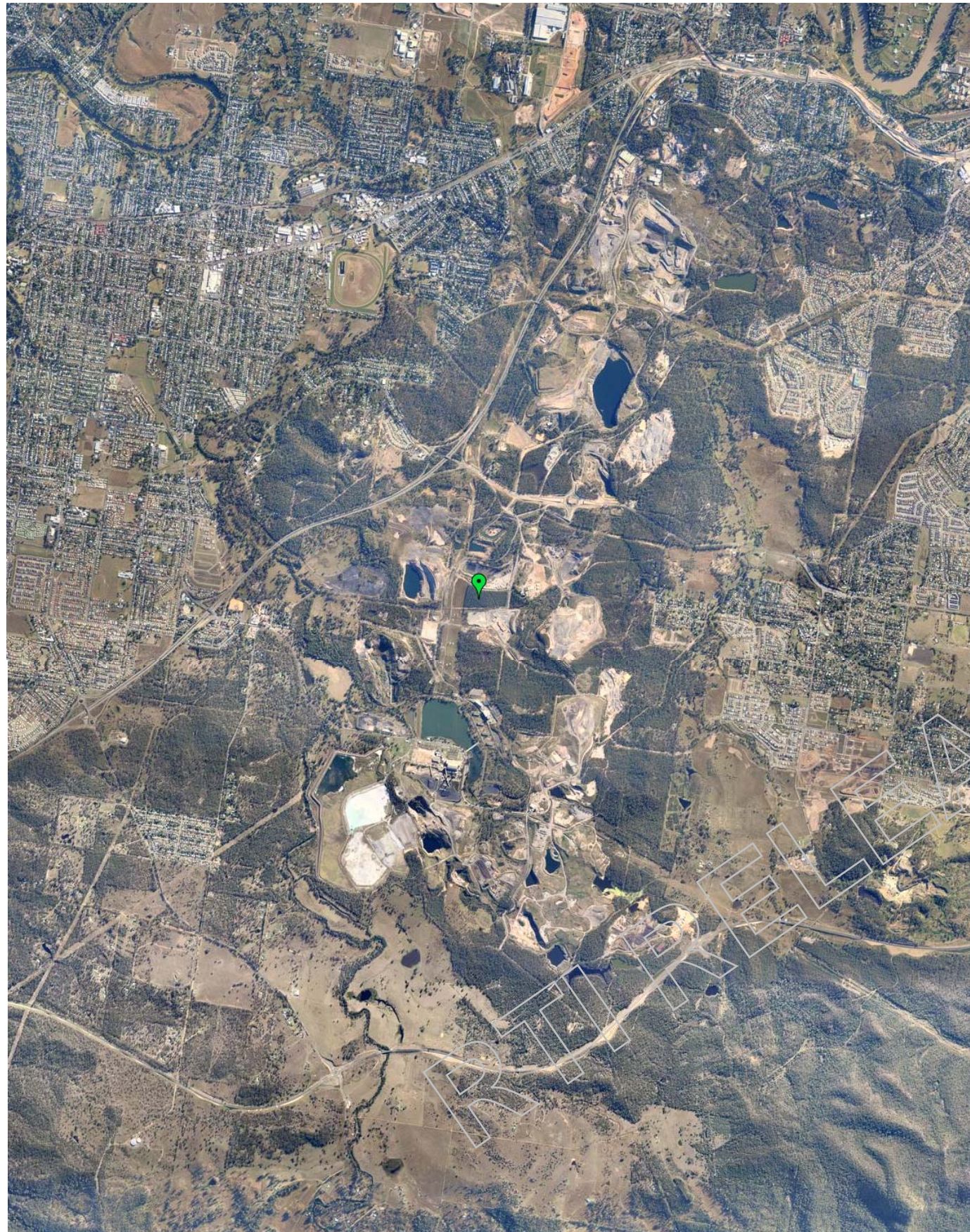


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Legend



5 JUNE 2010



19 DECEMBER 2017



Department of Infrastructure, Local Government and Planning

NOT GOVERNMENT POLICY – FOR INTERNAL USE ONLY

Address:

Swanbank / New Chum

SWANBANK / NEW CHUM AREA

Historic Growth

(Source: NearMap)

NOT TO SCALE

DATE: 28/03/18

SOURCE REF:

N/A

RTI RELEASE - DSDMIP



Department of Infrastructure, Local Government and Planning

Address:
Swanbank / New Chum

SWANBANK / NEW CHUM AREA
Historic Growth
(Source: NearMap)

NOT GOVERNMENT POLICY – FOR INTERNAL USE ONLY

NOT TO SCALE

DATE: 28/03/18

SOURCE REF: N/A



Department of Infrastructure, Local Government and Planning

Address:
Willowbank

WILLOWBANK AREA
Desktop Land Use Analysis

NOT GOVERNMENT POLICY – FOR INTERNAL USE ONLY

NOT TO SCALE

DATE: 28/03/18

SOURCE REF: N/A

Investigation into the Transport of Waste into Queensland

Submission no. 0012

Name City of Ipswich

RTI RELEASE - DSDMIP

Your reference (1709 ICC interstate waste response v3)
Our reference Bryce Hines
Contact Officer 3810 6666
Telephone



Ipswich City Council

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Web www.ipswich.qld.gov.au

The Secretariat
Queensland Waste Investigation
submissions@qldwasteinvestigation.com.au

25 September 2017

Dear Sir/Madam

Re: Independent Investigation – Interstate Transfer of Waste to Queensland

Ipswich City Council (ICC) would like to provide the following submission regarding the independent investigation into the interstate transfer of waste to Queensland. ICC has prepared the submission in accordance with the terms of reference provided. No part of ICC's submission is considered to be commercial in confidence.

In addition to the terms of reference responses, ICC would like to take the opportunity to highlight the unique waste disposal situation in Ipswich whereby there are only private landfills that operate in the local government area. As such, the movement and disposal of waste from southern states to privately owned landfills in Ipswich is considered to have a negative impact on the Ipswich community by creating a perception that Ipswich has become 'a dumping ground' for other state's waste. Whilst it is understood that private operators are entitled to receive the waste, there does not seem to be a genuine effort from other state jurisdictions to prevent the waste from crossing Queensland's borders.

ICC works to provide and protect resources and deliver access to essential services for Ipswich's community. However, there are impacts being felt by the neighbouring communities to Ipswich's landfills owing to increased activities and the associated noise, dust and odour issues.

The current waste disposal activities occurring in Ipswich are being perpetuated through the lack of a strategic coordinated approach between states and little or no support at the national level. ICC would like to seek support and cooperation with state and federal government entities to resolve the matter of cross-border waste disposal.

Please find ICC's specific responses to the investigation questions below.

1. Identify what are the financial, regulatory and other incentives for the movement of waste from other States to Queensland landfills?

Comment:

There are no financial, regulatory or other incentives and/ or gain for ICC regarding the movement of waste from other States to Queensland landfills.

2. Whether there are any regulatory frameworks in place that would inhibit or affect this movement of waste in state or national regulations?

Comment:

Not applicable to ICC.

3. Whether any other jurisdictions in Australia or internationally have dealt with similar movements of waste and, if so, what was the response?

Comment:

Not informed on this issue.

4. Examine whether regulatory and other reforms could limit or stop the cross-border movement of waste to Queensland landfills and make recommendations on these potential reforms including whether actions may be taken by:

Comment:

a. Queensland

- i. Consider reintroducing a waste levy in line with other states to deter waste operators from transporting waste to Queensland to avoid waste disposal charges in NSW and VIC. However, it should be noted that the reintroduction of a waste levy could impact Ipswich ratepayer's costs in the delivery of waste services.
- ii. If Queensland were to reintroduce a waste levy charge, a two tiered approach could be considered whereby there is a lower charge for municipal solid waste than for commercial and industrial waste. This could potentially alleviate the on-cost of the levy to Ipswich ratepayers.
- iii. Consider the option of giving local government the ability to charge any landfill operation including private landfills, an 'out of area' waste levy on waste transported from outside of the proximity area similar to Gold Coast City Council's waste disposal model.
- iv. Undertake an impact study on the effects of unfettered interstate disposal of waste in Queensland's landfill assets to understand the long term implications of meeting Queensland's community requirements in terms of equity and access to waste infrastructure. The impact study should consider sustainability measures regarding environmental, social and economic effects and account for externalities such as

carbon miles associated with the transport of waste and the economic and social burden that Ipswich may be presented with once access to landfills are exhausted potentially sooner than expected.

b. Local governments in Queensland

- i. ICC does not own or operate any commercial landfills.

c. The State where the waste was generated

- i. Review and amend State legislation to enable the enforcement of the proximity principle in practical ways.
- ii. Amend legislation so the waste levy is linked to the collection point where waste is generated and not at the point of disposal.

d. The Australian Government

- i. Provide a national regulatory framework that harmonises waste levies across Australia.

e. Relevant jurisdictions under a cooperative arrangement

- i. SEQ Councils collectively investigate strategic land use allocations for waste infrastructure for the medium to long term given increasing population pressures in the region and the ability to meet existing and future waste disposal needs. Incorporate the proximity principle into the strategic land use planning decisions.

Please contact me on _____ should you have any questions.

Yours faithfully

Bryce Hines

ACTING CHIEF OPERATING OFFICER (WORKS PARKS AND RECREATION)

MOTION

New Chum, Waste Facility

Mrs FRECKLINGTON (Nanango—LNP) (Leader of the Opposition) (6.01 pm): I move—

That this House calls on the Palaszczuk Government to call-in the proposed super dump at New Chum in Ipswich and rule it out.

Putting a tax on Queenslanders to solve an interstate dumping issue around the suburbs of Ipswich is a lazy policy response from a lazy government that will impact on Queenslanders across this great state. The Treasurer—'Taxing' Treasurer Trad—is not happy with four taxes; she has to bring in five taxes. Why does this government not stand up for the people of Ipswich? Why does this government not stand up for the people of Queensland? What is wrong with Ipswich? There are good people in Ipswich. I went to school in Ipswich and I know the Premier went to school in Ipswich. What does this Premier have against the good people of the city of Ipswich?

That is not only our view; it is the view of industry groups across Queensland, such as the Chamber of Commerce and Industry, Queensland's peak small business group. In a media statement released yesterday it stated—

Queensland businesses who are at the forefront of waste reduction in this state are going to be penalised with a levy that has arisen on the back—

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Mrs D'ATH: I rise to a point of order. As much as the government is more than happy to talk about the waste levy, the opposition should have drafted its motion about the waste levy if that is what it wants to talk about.

Mr SPEAKER: I have had a very close look at the motion as it is drafted. I think the Leader of the House has a point in terms of relevance. I ask you to make sure that you are being relevant to the motion as it stands.

Mrs FRECKLINGTON: Thank you, Mr Speaker. In relation to your ruling, I note that the government spent the morning's session of this parliament talking about super dumps hand in hand with the reason it needs a waste levy.

Mr SPEAKER: Leader of the Opposition, that is not a reason to ignore the relevance ruling. I ask you to make sure that you are relevant to the motion.

Mrs FRECKLINGTON: Thank you, Mr Speaker. 'Taxing' Treasurer Trad has nothing else—

Mr SPEAKER: Correct titles, please.

Mrs FRECKLINGTON: Sorry, the Treasurer of Queensland who likes taxes. I will continue the quote from the CCIQ—

of poor behaviour of southern operators, and lazy policy by the Queensland government.

That is not a quote from the LNP; that is a quote from an industry group in Queensland. The CCIQ stated further—

Claims this will not impact Queensland households is rubbish, mum and dad business owners are Queensland householders, workers in small businesses will need to find ways to absorb the costs which could result in less hours, no wage rises or job losses—

And guess what—

impacting Queensland households.

This week, we have seen Labor's fifth tax on Queenslanders that was not promised at all at the last election. All we see is dishonest political trickery from this government.

I want to talk about the dump in Ipswich, which we believe the government should be ruling out. No-one in Queensland, particularly the LNP, wants Queensland to be the dumping ground for rubbish from New South Wales. The report that was released by the government just yesterday showed that, under the Labor government, the volume of waste from other states transported into Queensland has skyrocketed. It was thanks to the LNP that this data is now available so that policy can be implemented based on facts and not political spin. It is obvious that Labor has no clue how to govern this state. It should be looking into illegal dumping.

This report shows that Labor has dropped the ball. That is why the LNP had a comprehensive litter and illegal dumping action plan. After three years of Labor, absolutely nothing has happened. All we have seen is more trucks coming up and over the border because of this incompetent, lazy Labor government that has no plan but to implement a tax.

Hon. CR DICK (Woodridge—ALP) (Minister for State Development, Manufacturing, Infrastructure and Planning) (6.06 pm): I move—

That all words after 'House' be deleted and the following words be inserted—

- (a) notes that Ipswich City Council is the assessment agency for the BMI Group's application for a waste facility at New Chum;
- (b) notes that Ipswich City Council has not requested the state to exercise its call-in powers;
- (c) notes that Ipswich City Council has the power to approve or reject applications to expand existing or establish new waste facilities; and
- (d) notes the final report of Justice Peter Lyons' Investigation into the transport of waste into Queensland.

Before the Leader of the Opposition was elected to the high office that she holds at the moment, many people in Queensland politics, in the Queensland community, and some in her own party thought that she simply was not up to the job. This motion and her contribution to it demonstrates absolutely that those critics were correct. The motion moved by the Leader of the Opposition demonstrates a complete and deep ignorance about the planning system in Queensland. It is

fundamentally flawed. The Leader of the Opposition does not understand how the system works. The amendment to the motion that I moved makes that clear.

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This matter is before the Ipswich City Council. The council has not asked for the application to be called in. It is going to deal with it properly in accordance with its democratic mandate—the right it has—to consider development applications. One member of the LNP understands how the system works and that is the member for Broadwater. Just last night—less than 24 hours ago—the member for Broadwater said—

Faced with the choice of people being able to pass judgement on mayors and councillors who they can elect and hold accountable every four years and a minister living in Brisbane, albeit well intentioned, I will always choose the mayor and councillor.

This motion is about a dump at New Chum, but I can tell members who is not a new chum for the Leader of the Opposition and that is the member for Broadwater, who wants her job.

Apart from a total lack of policy merit, this position taken by the LNP is completely opposite to everything it said in the last parliament. In September last year the former member for Mansfield, who was the shadow minister for planning in the last parliament, thundered that the planning minister's call-in was the stripping the developer, the community and the councillor of a fair go in the Planning and Environment Court.

On 20 October, Mr Walker described ministerial call-ins as dramas that meant that developers would not come to Queensland. He moved a motion in this House condemning the then Deputy Premier and minister for planning for calling in a development. In that debate, the member for Chatsworth lectured the House saying that call-ins 'hurt confidence' and expressed the concern of the Property Council that 'call-in powers need to be used extremely judiciously'.

What do the members opposite believe in? Who would possibly know? They say one thing before the election and then, when they lose the election, the flip-flops come on and the flip-flopping starts. They members opposite say that there is a simple solution now, but they did not say that before the election. They are focused on momentary political advantage.

We know that about the Leader of the Opposition. The truth is that the Leader of the Opposition will say or do anything for her own benefit. No-one believes that the Ipswich City Council should be usurped from its proper authority to make a decision on this application. That is the truth. The Leader of the Opposition is looking for political advantage.

I say to all new members of the LNP—the members for Callide, Bundaberg, Nicklin, Buderim, Lockyer, Bonney, Southern Downs, Ninderry and Pumicestone—that the leadership team has just caused you incredible embarrassment. This is not how the planning system works. Some of the new members are even listening because they know it is true. The Leader of the Opposition could not even talk to the process of call-in when she moved the motion. We know it is a political stunt. The leadership team has embarrassed the LNP.

I urge members of parliament to reject the motion, to consider the amendment carefully and to pass the amendment which is absolutely correct. We will now hear from the member for Broadwater. Does he support councils making decisions, which is what he said last night? Let us not worry about one year to the next, let us worry about one day to the next. Is he going to support councils or support his leader?

Mr CRISAFULLI (Broadwater—LNP) (6.11 pm): Despite the member for Woodridge's unhealthy obsession with me, I have to speak against the amendment. This is getting ridiculous. I do not think the member has risen in the last fortnight without mentioning me. It is an unhealthy obsession. No-one wants to see Ipswich become a dumping ground, no-one wants to see interstate waste coming across the border, but only one side wants to stop attacks on everyday Queenslanders.

The member for Woodridge has all of a sudden become this great friend of councils, this fighter for local government, despite being part of a government that used its call-in powers against the wishes of local government. Now, on the cusp of a big tax that will affect the battlers of Ipswich, that will whack the people of Ipswich, he is all of a sudden using this little tiny cling to of caring about local government as his excuse to allow the people of Ipswich to become a dumping ground.

Those opposite want Ipswich to become a dumping ground because they take them for granted. They think they will turn up and vote for the member for Ipswich and the member for Ipswich West time and time again. In this day and age it does not work like that. The voters of Ipswich are smarter than that and they will judge a good character. The member for Bundamba is onto something: it is not going to be the Labor Party brand that carries her over.

Tonight the member for Bundamba has a big test as well. This is a big test for a member who has been a strong advocate in recent times for her community. I do not think it is going to be a big test for the members for Ipswich or Ipswich West. I think they have folded already. There will be no prospect

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of them walking across for their community because they think time and time again the people of Ipswich will continue to just blindly follow a brand.

Honourable members interjected.

Mr SPEAKER: Minister for Tourism, I can hear you interjecting very loudly and I do not believe the member is taking the interjections. The member for Toowoomba North and the member for Chatsworth have been interjecting across the chamber so much so that I can hardly hear their own speaker. I ask that they keep that in mind. I am all for a healthy debate, but let us make sure we can hear the speaker.

Mr CRISAFULLI: Will the members for Ipswich and Ipswich West be lions for their community? Will they be champions or nodding donkeys or wallflowers just sitting there. To somehow suggest that this problem of interstate dumping can only be solved with a levy is a furphy. The amount of interstate waste in the last financial has skyrocketed because these super dumps have become more available. Tonight there is an opportunity to stop that.

The chamber of commerce has described it as lazy, but it is more than that—it is sneaky. This whole prospect is sneaky. Somehow we are using the good people of Ipswich as a stalking horse for a tax across the state. There is no way you can look a builder in the eye in Cairns and tell her that it is going to be worth her while. There is no way you can look a fish and chip shop owner in Rockhampton and tell him he is going to be better off because of it. There is no way you can look at the member for Woodridge and pretend he knows what a local government is or that he cares about it all of a sudden.

Let us stop this State of Origin nonsense. Let us stop all of this nonsense about walking jerseys into the House. This has nothing to do with State of Origin. This has to do with a great city becoming a dumping ground because those opposite take them for granted. If you want to stop interstate dumping, stop the super dumps in Ipswich.

Ms HOWARD (Ipswich—ALP) (6.17 pm): Listening to that contribution really made me think about the Newman era. Just when we thought we were safe it does not seem that we are at all. I rise to speak against the motion put by the opposition leader today and speak in favour of the sensible amendment by the Minister for State Development, Manufacturing, Infrastructure and Planning which notes that Ipswich City Council is the assessment agency for the BMI Group's application for a waste facility at New Chum, notes that Ipswich City Council has not requested the state to exercise its call-in powers at all, notes that Ipswich City Council has the power to approve or reject applications to expand existing or establish new waste facilities and notes the final report of Justice Peter Lyons' investigation into the transport of waste into Queensland.

This proposed call-in can only be described as cheap political pointscoreing. It offers no solution to the problems of waste management in Ipswich or in Queensland. Call-in powers are not a political plaything. Call-in powers should be used based on the best planning advice, not as a political response to sensible government policy.

When the Leader of the Opposition referred to BMI's application in the media last week she said that the government needs to listen to the community and that the residents have said very clearly that they do not want this. While some residents in Ipswich have told me that they oppose BMI's dump at New Chum, many residents have also told me that they support the introduction of a sensible waste management policy in Queensland to stop trucks coming over the border from New South Wales to dump their rubbish in Ipswich. Ipswich residents have told me that they want a long-term solution in place to stop Ipswich being the cheap dumping ground for interstate corporate polluters who try to dodge the New South Wales waste levy. It is time we removed the incentive for truck drivers from Sydney to profit from dumping their waste in Queensland. Ipswich residents should not be subsidising corporate polluters to dump waste in our landfills and increase the traffic on our roads.

Calling in every second project is not an appropriate way to run a state planning system. The Leader of the Opposition's motion requesting the Palaszczuk government to call in the proposed dump at New Chum is simply a case of putting short-term policies before good policy.

It is important to always remember that local planning is first and foremost within the purview of local government. What is more, the Leader of the Opposition's concerns about the dumps in

Ipswich and her request to call in BMI's dump application are simply disingenuous if she also opposes introducing good waste management policy for Queensland.

Ipswich would not have had a problem with the growth of interstate dumping in the first place if Campbell Newman's LNP government had not removed the waste levy in 2012 and we would not be in the situation we now find ourselves, where the opposition leader thinks it is a good idea to call in every

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development application and ask the state to interfere in local government planning processes. The Ipswich City Council will assess the BMI project on its merits and in a way that protects locals from heavy vehicles, noise and smell.

Generally, call-ins are done sparingly, with only one or two a year undertaken across the state in recent times. Under the Planning Act, the minister has the power to call in and assess and decide or reassess and re-decide an application if the matter involves or is likely to involve a state interest and warrants ministerial involvement. A state interest is an interest that the minister considers affects an economic or environmental interest of the state or part of the state, or the interest of ensuring that the Planning Act's purpose is achieved, including the establishment an efficient, effective, transparent, integrated, coordinated and accountable system of development assessment.

This government does not make reckless decisions related to planning. Proper planning processes, as set out in the Planning Act 2016, must be fully enacted to ensure well-considered decisions are made. Planning in Queensland puts infrastructure and well-organised communities together. Without an efficient planning system in place in Queensland, our future is compromised. Calling in individual projects without a statewide strategy should not be the course of action pursued. We cannot fix our waste management issues by calling in every application and overriding council.

During the last term of parliament, the then planning minister and Deputy Premier introduced a new planning act for Queensland. The new Planning Act is a bipartisan piece of legislation. We also implemented ShapingSEQ, the South-East Queensland regional plan, which is a partnership between the state government and local councils to plan for the expected growth in the south-east. I oppose the original motion and I support the amended motion.

(Time expired)

Mr O'CONNOR (Bonney—LNP) (6.22 pm): It is with great pleasure that I rise to support the motion moved by the Leader of the Opposition. Even without the proposed new super dump, Ipswich accounts for one-quarter of the waste disposed of in landfills in Queensland. There are many things that Ipswich should be renowned for. It has pristine heritage buildings, a major RAAF base at Amberley, my old school of Ipswich Grammar School, which was in fact the first secondary school in this state, the Workshops Rail Museum and the beautiful Queen's Park. Being a major dumping ground is not one of them. If this new facility is to go ahead, it will take over 1.1 million tonnes of waste per year and plonk it within minutes of suburbia.

This issue has personal significance for me, because my parents live close to the existing Swanbank landfill. In fact, they live so close to that super dump that if the wind is blowing from the dump's

direction often they are forced indoors. As one can imagine, that is particularly unbearable in the summer months. I am told that many residents will not even talk about the issue, because they are scared that the values of their homes will decrease as a result.

If the elected Labor members for Ipswich do not want to stand up for their constituents, although I am a proud Gold Coaster now I would feel obligated to do it for them because I am from Ipswich. Of course, I am excluding from that list the member for Bundamba. Time and time again, the member has valiantly stood up to the Premier on this issue. Just last week at the Ipswich Town Hall meeting held at the Racehorse Hotel—a fine establishment that, a few years ago, I worked behind the bar of—the member for Bundamba declared—

The point is that the message Premier, loud and clear from our community, who have to put up with asthma attacks every day, who have to put up with enormous respiratory problems, they cannot open their houses because of the stink and the smell—we're over it, we've had enough and that's the message tonight.

Labor has form when it comes to calling in developments. They did it in West End and Upper Kedron. Why is Ipswich any different? If there is nowhere to dump interstate rubbish, how can it be brought over the border in these quantities?

You do not need a new tax to solve this problem. On the Gold Coast, my local government has shown that local governments can take action to make sure that their tips are used primarily by residents. They have increased the facility fees at the Stapylton landfill for waste entering from outside of the Gold Coast. In Brisbane, the major tip at Rochedale does not accept interstate landfill. That is really how you stop the trucks. These are great examples of why it is unnecessary to burden the entire state—

Honourable members interjected.

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Mr SPEAKER: Order! Member, I am sorry. The cross-chamber interjections are far too loud. Members, if you want to make a contribution to the debate, put yourself on the speaking list and rise to your feet.

Mr O'CONNOR: These are great examples of why it is unnecessary to burden the entire state with a new waste tax. Councils can take action to make sure that they do not become someone else's dumping ground.

It makes you think: maybe there is another reason for this new tax. It would not take Sherlock Holmes to solve that mystery. Labor just loves to tax. A shotgun broad-ranging approach to tax such as this is not the path to prosperity. A tax does not create the environment for any new jobs. Based on the data in the investigation into interstate waste, a tax may not even solve the problem that the government is trying to address. In 2014-15, the amount of interstate waste decreased compared to the previous year and that was without a tax.

I will leave the House with my favourite band, the Beatles, who provide a timely suggestion for Queenslanders living under a Labor government: 'Now my advice for those who die, declare the pennies on your eyes'.

Mr MADDEN (Ipswich West—ALP) (6.26 pm): I rise to speak against the private member's motion. Before I do so, I thank the member for Broadwater. Every time he gets to his feet and speaks, he reminds the people of Queensland about the dark days of the Campbell Newman government—every time. He just did it then: the finger-pointing and the tippy-toes. Every time, he reminds the people of Queensland of the dark days and he should keep it up.

Local governments are principally responsible for considering development applications and the current development approval process around the BMI waste facility at New Chum is a matter for the Ipswich City Council. Obviously, under the Planning Act the minister for planning has the power to call in a development application if it involves a state interest and the government has not ruled out intervening in this development application. Therefore, I am surprised to see members opposite move and speak in support of the motion before the House tonight.

The LNP is fully aware of the planning system in place in our great state of Queensland. The member for Burleigh and the member for Gregory were both on the committee that recommended the Planning Bill 2016 be passed by this House. Not only that, I have seen the committee's report and there is no dissenting comment in that report. They could have spoken then, but they chose not to do so. Therefore, I find it a complete sham that tonight the members opposite are rising in support of this reckless motion.

In our great state of Queensland, we have a transparent planning process where the councils and the state government are held to account for our planning decisions. The decision at hand is one for the council of the City of Ipswich and that is well known to the members opposite. The proper channels of decision-making that the Planning Act 2016 put in place are now being played out by the Ipswich City Council, as it should do and as all councils across Queensland do. I know some members opposite may not understand the terms 'proper process' and 'transparent decision-making', but I can reassure all Queenslanders that both are key elements of the Planning Act.

I will quote from *Hansard* of 11 May 2016, when the bill was debated. The former member for Mansfield, Ian Walker, said—

I have a sense of déjà vu in that on yet another LNP initiative the Palaszczuk Labor government has followed through.

He also went on to say—

The fact that we are debating these bills is directly attributable to the work of the LNP government

...

Members can understand my confusion that the members opposite have moved this private member's motion. I am completely confused. Apparently the Planning Act 2016 is theirs. We are here tonight with those opposite having no idea how it works or how the proper planning decision-making works in their legislation.

I have one suggestion for those opposite, especially those who were on the committee. They should read bills before they vote in favour of those bills. It is disappointing that those opposite display no understanding of the planning system in Queensland. This is yet another example of why Queenslanders rejected the LNP circus that was the Tim Nicholls opposition. They know nothing about how to govern. They know nothing about the Queensland planning system. They were not ready to govern at last year's election and it looks like they have not learnt any lessons since.

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Mr POWELL (Glass House—LNP) (6.30 pm): I rise to support the motion moved by the Leader of the Opposition. I have been sitting here listening for the last half an hour. I listened with interest to the contributions by the member for Woodridge and, more recently, by the member for Ipswich West. Quite frankly, being schooled on ministerial call-in powers by Labor is like being lectured on cleanliness by my 16-year-old son.

Quite seriously, what we have here is the paramount hypocrisy of the Palaszczuk Labor government. It suits their purposes to ignore their amended motion moved this evening when the project occurs in the electorate of the member for South Brisbane. It suits those opposite to ignore their amended motion moved this evening when it occurs in the electorate of the member for Cooper. What is going on when it occurs in the electorate of the poor member for Bundamba and that of her neighbouring colleagues, the members for Ipswich and Ipswich West? Poor Jo! I do look forward to the member for Bundamba's contribution in this regard very shortly.

In every other situation we ignore the council. In this situation we are being asked to note that it is the Ipswich City Council that is the assessment agency for BMI Group's application for a waste facility at New Chum. It was the Brisbane City Council's responsibility for both West Village and Cedar Woods, but that is different. I note that the Ipswich City Council has not requested the state to exercise its call-in powers and neither did the Brisbane City Council. I note that the Ipswich City Council has the power to approve or reject applications to expand existing or establish new waste facilities.

That is fine, except that the member for Bundamba says, 'I don't trust the council to deal with the dump.' That comes from an article in the *Queensland Times*. I am happy to table that article.

Tabled paper: Article from the *Queensland Times*, dated 14 March 2018, titled 'MILLER SLAMS: I don't trust council to deal with the dump'.

If the member for Bundamba does not trust the council to deal with this dump, then surely this is a prime example of where the minister should be calling in this project, making an assessment and ruling it out.

It is clear that there is one rule for the member for South Brisbane, one rule for the member for Cooper and another rule for the member for Bundamba. We have seen that over the course of the last three years. The poor member for Bundamba misses out again. Let us cut to the chase. They are using these super dumps in Ipswich as justification for reintroducing a waste tax in this state.

I listened this morning to my record as environment minister being muddied. Let me correct the record. Too right we got rid of that tax. It was a tax on each and every household. It was a tax that

we committed to getting rid of as an election commitment, and we did. Where was their election promise to introduce a waste tax? There was nothing. It has popped up today so that the Premier and Treasurer can now stand up and say, 'We are introducing five taxes.'

I notice this morning that the Premier referred to a chart from her report into the change in volume of waste coming from other states. She had a look at the chart and I think she was going to table it, but then she realised something. It does not actually help her case—not at all. It actually does the opposite. It supports everything the LNP did during their term in government in terms of getting rid of this waste tax. It shows that in 2013-14 interstate waste was about 400,000 tonnes. In 2014-15, after we had implemented our waste strategy, it dropped down to around 330,000 tonnes. There was a change of government at the start of 2015 and it skyrockets to nearly 600,000 tonnes. Last year it was 900,000 tonnes. The issue was not the LNP getting rid of the waste tax. I table that chart.

Tabled paper: Graph, titled 'Figure 1: Change in volume of waste from other States transported into Queensland since the year ending 30 June 2014'.

The issue is that the Palaszczuk Labor government has forgotten how to comply. They have locked their environmental officers up behind their desks. They are not letting them out. They have tied them up in green tape and red tape and all the while Ipswich City Council—their Labor mates—have been approving super dumps left, right and centre with no compliance. It is quite simple. We do not need a tax in Cairns or Mackay or the Sunshine Coast for a problem in Ipswich. Simply call in this project and rule it out—problem solved.

Honourable members interjected.

Mr SPEAKER: Before I call the next speaker I want the House to come to order.

Mrs MILLER (Bundamba—ALP) (6.35 pm): They say that there are two types of elected officials; there are the lions and there are the sheep. I am a lion and I have been roaring for Ipswich ever since I was elected to this House. Let me tell members that no-one in Ipswich wants these dumps. I have not ever received a phone call from anyone in Ipswich saying that the dumps are good. We are over it. We

21 Mar 2018 Motion 645 do not want the dumps. We do not want the existing dumps. We do not want any proposed dumps. It is a nonsense to suggest that the people in Ipswich want the dumps.

Let us be clear about this. Development applications are made to the Ipswich City Council. It is the Ipswich city councillors who should be making the decision. What have they done? Let us have a look at this. The councillors have delegated their decision-making to faceless bureaucrats who are employed by them. The councillors are charged with making the decision.

What happened a couple of weeks ago in Collingwood Park, where I live? The IRATE group had a meeting with anyone who wanted to come. The mayor came and two councillors came as well. I put it to the mayor and the councillors that they had in fact delegated their decision-making process to the faceless bureaucrats. They did not get up and deny it. In fact, they agreed and the mayor asked one of the town planning staff to get up, as a faceless bureaucrat, and he introduced us to this particular person. We all said, 'Who is this person? None of us have ever met them.' The mayor

seemed quite happy to delegate the councillors' responsibility to this employee or any other employee within the council.

I say tonight to the councillors, 'Do your jobs. You are elected by the people of Ipswich to do your jobs.' We want the councillors to pull back this delegation and we want them to make the decision. We want them to be able to say that they were elected by the people of Ipswich. All of us in my electorate want to be at the council meeting to eyeball them and we want to know which way they are going to vote. We want the Ipswich city councillors to divide on the issue so that it will be clear which councillors are for the dumps and which councillors are against the dumps.

The councillors are elected. They get their pay and perks but they do not want to do the work associated with it. The councillors' role is to make the decisions, just like it is our role in this House to make the decisions; otherwise, they should not be there. Otherwise, we may as well put administrators into Ipswich—have a town-planner, have an engineer and have an administrator in there to make the decisions. I also want to talk about the application fee. There is a real smell around this application fee. It was supposed to be \$800,000 and it went down to \$200,000. Who made that decision? Does that mean that only \$200,000 worth of work is going to be done by the council?

In our community these dumps are a blight on Ipswich and a blight on our suburbs. They are stinking, filthy, dirty, rotten, dusty dumps and we do not want them. In fact, the smells are so bad—the member for Bonney was right—that you do have to shut your windows and doors. You sweat in summer. You cannot have barbecues. You cannot eat outside and people suffer nausea and vomiting. The fires at these dumps are so bad that some of us end up in hospital because of the smoke coming off the dust. The respiratory illnesses are so shocking in Ipswich that people like me and my friends suffer from asthma, bronchitis and COPD. It is an absolute disgrace. We do not want to go out on the roads in case we are run over by B-doubles full of their crappy rubbish that they send into Ipswich. It is just disgusting. No-one should be living like this. We live in a Third World city because of these dumps.

Mr SPEAKER: Member for Bundamba, I ask you to withdraw the unparliamentary language.

Mrs MILLER: I withdraw, Mr Speaker, and I apologise. We demand that the councillors reject these dump applications. We demand that no matter what the cost in legal terms and we demand that they do their job in an open and transparent way. I support the amendment.

(Time expired)

Mr LANGBROEK (Surfers Paradise—LNP) (6.41 pm): Thank God we are not having the Commonwealth Games in Ipswich after that contribution, where we heard the member talk about her own city having 'dirty, filthy, stinking, rotten dumps'. Isn't it amazing? What is Ipswich? Ipswich is Labor territory. The council is Labor. The state seats of Ipswich, Ipswich West, Bundamba and the Premier's seat of Inala are traditional Labor seats, and the federal seat of Oxley is Labor. How does Labor reward those who vote for them? They are rewarded by giving them super dumps.

Mrs Frecklington: They've been dumped on.

Mr LANGBROEK: They have just been dumped on by the member for Bundamba. There is Cleanaway at New Chum and Lantrak at Swanbank, approved by Labor governments, and they take a quarter of Queensland's landfill waste. They do not dump like that at Rochedale. They do not have interstate dumping at Rochedale. They do not have interstate dumping on the Gold Coast. In fact, the Deputy Mayor of Brisbane, Adrian Schrinner, in response to Sarah Elks tweeting about the new tax, the new waste levy, responded—

Given that BCC's Rochedale landfill doesn't accept any waste from interstate, does this mean we will be exempt—

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he means the Brisbane City Council—

from the waste levy? Or is this really just an excuse for—

what we know is—

another Labor tax?

Now those opposite want to inflict more odour, dust, noise, light and heavy vehicles on residents within this community. It is shameful. We have just heard from the member for Bundamba, who said that she is against this proposal and she has made that clear to the company—this type of development is 'too close to houses and has clear and detrimental impacts on the community'.

What about the paltry efforts from the members for Ipswich West and Ipswich tonight, hiding behind a planning scheme where in the last parliament we saw a number of call-ins on a number of issues, whether it was in the electorate of Cooper, the electorate of South Brisbane or the electorate of Ferny Grove. We have had a number of call-ins. Now they are hiding behind the planning scheme to say that that is why it cannot happen. They are not standing up for their community because they take them for granted. We heard that from the member for Ipswich.

The Ipswich community cannot take any comfort in the fact that their local MPs are aware that they do not want a super dump because their local MPs are more concerned about justifying their decision based on a report than they are about having a super dump or a waste levy. They have lost their backbone here in the House. We cannot be surprised. We know that Labor listens to the unions first, the party second and their constituents last. They take Ipswich residents for granted.

The Premier told 400 Ipswich residents that she would not stand for Queensland being the dumping ground for New South Wales. Premier, let us stop Ipswich from becoming a dumping ground full stop so we can stop having to listen to what the member for Bundamba says about Ipswich as it currently is. Now plans are encroaching on the LNP seats of Scenic Rim and Lockyer because they border these areas. I guarantee that LNP MPs will furiously defend our communities and will resist any plans for super dumps. We know that Labor rewards their voters with more super dumps. I would like a guarantee from the member for Gaven, the new Labor member on the Gold Coast, that there will not be any super dumps in her electorate, because that is what comes with Labor. Whether it is the hills behind Clagiraba and Mount Nathan or next to Clagiraba Creek boundary, Gold Coasters will not accept a super dump in their area.

If anyone from the Gold Coast City Council or the Scenic Rim Regional Council proposed one in the seats of Bonney, I do not think the member for Bonney would accept it. I do not think the member for Burleigh would accept it. The member for Broadwater would not accept it. The member for Coomera would not accept it. The members for Currumbin, Mermaid Beach, Mudgeeraba or Southport would not accept it. I would not accept it in Surfers and neither would the member for Theodore. The people of Jordan have a newly elected Labor member now. That electorate also borders this area. People in the Spring Mountain and Greenbank regions should be on high alert given Labor's track record. We will fight tooth and nail on behalf to our communities in every seat to prevent super dumps, unlike those opposite. That is why we need to keep the LNP blue, because as soon as Labor gets an MP on the Gold Coast threats of super dumps emerge in our area.

They put super dumps in their most secure seats. No wonder I say Labor does not get the Gold Coast. We would never accept our areas being turned into dumping grounds. Every Queensland will pay a new tax announced out of the blue simply because Labor cannot manage compliance, as the member for Glass House said. Tax and spend—that is what Labor does for Queensland.

(Time expired)

Hon. LM ENOCH (Algeria—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (6.46 pm): I rise in support of the amendment moved by the Minister for State Development, Manufacturing, Infrastructure and Planning. In moving her motion about waste facilities in Ipswich tonight, the Leader of the Opposition has articulated why Queensland needs a comprehensive waste strategy that is underpinned by a waste levy. This debate demonstrates that those opposite have only now come to terms with the consequences of their decision to repeal the waste levy in 2012. They have come in here with fake moral outrage and demanded the state government take unprecedented action to fix a mess that the LNP created.

To address the member for Glass House, who talked about the level of waste over a number of years, if he had read the report already he would have seen that the spike in interstate waste coincided with the New South Wales levy being increased, making it even cheaper to dump in Queensland

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because they had repealed the levy. What we are seeing is a lack of vision from those opposite rather than a comprehensive strategy to address the broader challenges facing our state's waste industry.

I am fully aware of the concerns Ipswich locals are expressing about waste. Last week during governing from the regions in Ipswich, my director-general and I met with members of the local group Ipswich Residents Against Toxic Environments. We had a frank discussion and I heard for myself their concerns about the management of waste in Ipswich and the amount of waste being trucked into their city from interstate as a result of the LNP's reckless repeal of the waste levy.

I also met with the mayor of Ipswich City Council, who described yesterday's announcement of a waste levy as 'a great start'. On radio yesterday, the mayor also said, 'It will have an immediate effect on how much waste is brought into Queensland and particularly Ipswich.' The mayor of Ipswich understands the importance of what we are doing and so does industry. I have been

engaging with the waste industry who are operating in the Ipswich region and right across the state. I have been engaging and meeting with stakeholders, because it is the hallmark of the Palaszczuk government to consult and collaborate to deliver fair and balanced outcomes.

I have said this many times this week and I will say it again: when the LNP recklessly repealed the waste levy without any vision for waste management in Queensland, they not only opened the flood gates for rubbish to be dumped in Ipswich and across the state but also robbed our state of the opportunity to build recycling infrastructure and industry. The member for Broadwater said that Ipswich super dumps are a result of Labor ignoring the city, but the truth is that they are the product of the LNP's disastrous waste policy decisions which were made while the member for Broadwater was a member of Campbell Newman's cabinet.

The waste industry employs 50,000 people across Australia and contributes about \$15 billion to our national economy. In addition, every 10,000 tonnes of waste in landfill supports less than three jobs, but if the same amount of waste were recycled it would support more than nine jobs. An incentive to recycle not only is good environmental policy but also makes economic sense. In his report to government Justice Peter Lyons noted the following:

Several industry participants ... indicated that the removal of the levy in 2012 had resulted in a loss of jobs at recycling plants.

That is the advice of the independent review. The LNP are responsible for job losses in Queensland. Unlike those opposite, the Palaszczuk government understands that, as part of a comprehensive waste strategy, a levy can be a lever to stimulate the growth of new industries and create new jobs. We are looking at the big picture. Industries and councils recognise the opportunities that will come with the establishment of a waste strategy and a levy. Justice Peter Lyons noted in his report that no submission that has been received to date entirely opposed the imposition of a levy.

Let me be clear: Queensland households will not be directly impacted by a new waste levy. Among those who will feel the effect of it are the companies trucking waste into Ipswich dumps. Ipswich City Council is assessing the application from BMI for a waste facility at New Chum. What our government is doing is setting Queensland on a strategic path for waste management across the state. I support the amendment.

Mr KRAUSE (Scenic Rim—LNP) (6.51 pm): What we seen tonight from members opposite is that they are hiding behind process and they are hiding behind bureaucrats. There is a lack of leadership and they are passing the buck. That is the modus operandi of this government. In supporting this motion moved by the Leader of the Opposition, can I firstly say that I support action to stop interstate waste being dumped in Queensland, but the problem can be fixed through enforcement by the Labor government against interstate waste operators. We cannot support a tax being imposed on every Queensland to fix a problem that affects a few South-East Queensland dumps—a problem caused by Labor approving dumps; a problem caused by Labor's failure to properly police compliance measures; and a problem that will only truly be fixed by the Labor government admitting it has stuffed up and committing to real action in enforcing compliance measures.

I would expect the Labor MPs for Ipswich and Ipswich West to be supporting what the LNP is pushing for in this debate. A call-in is the only way those members can guarantee there will be no new dump

going ahead at New Chum. A call-in has been publicly supported by one Ipswich city councillor—David Pahlke in division 10—and I am sure that it is supported privately by many more. This is a test for the member for Ipswich and the member for Ipswich West. Are they going to stand with their community, as the member for Bundamba has publicly, and demand government action or are they going to hide behind council process, the mayor and the councillors of Ipswich who are obliged by law to assess these applications?

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We know that this government is very good at blaming other people for their problems. Almost every day they come in here and blame Canberra for issues they have failed to address. They try to rewrite history to blame the LNP for things of the past, but they are the government. They have been in government for over three years, and they have been in office for 23 of the last 28 years. When are they going to take responsibility for their actions? When are they going to stand up and say, 'It's our fault and we will do something about it'? They are like a child always failing to take responsibility for their own actions, always trying to blame someone else, and so it is with the dumps.

The existing superdumps at Ipswich were approved by Labor, at New Chum and Swanbank. They were approved by the previous Labor government. All of the stench, discomfort and pain being visited on Labor-voting residents in Ipswich is a result of Labor. What is more, the amount of waste coming from interstate has increased with the Labor Party in government. What have they been doing for the last three years? In 2014-15, the last year the LNP was in office, the amount of waste dumped there went down. The government needs to acknowledge that this issue came about on their watch and they need to fix it without slugging every Queenslander for an issue that is really just an Ipswich and South-East Queensland issue.

When will Labor members in Ipswich take responsibility? Now is their chance. Will they take responsibility or will they cut and run? Labor needs to call in this New Chum application, as the Leader of the Opposition has moved. They have called in applications before when it is expedient. Think Cedar Woods and the West Village. A state interest was concocted in those cases and there is a state interest now. We have been listening to the Premier and the minister for the last couple of weeks talk about all of the interstate waste. That is a state interest. People in Ipswich tell me that they want the issue fixed. They do not want a tax. I do not know who the member for Ipswich is speaking to, but they are certainly not my residents who do not want a waste tax to fix this issue. They want effective government action.

The Labor member for Bundamba said that people do not want more dumps in Ipswich. There is an example for the member for Ipswich and Ipswich West to follow. I say to the member for Bundamba: if she does not trust council, here is a chance to put that right. She can vote with her convictions and make sure that the people in her electorate keep trust with her. She has a chance to vote so that they keep trust with her.

I represent part of Ipswich city in the Scenic Rim electorate, and around Willowbank we have a dump. There are mooted proposals for more dumps but some of them are too close to residential areas. My message to the government is that enough is enough. The member for Ipswich West in

the last redistribution wanted to represent Willowbank. He said that it should be in Ipswich West. Here is your chance, Jim, to stand up—

Mr SPEAKER: Member, can you please use appropriate titles?

Mr KRAUSE: Here is a chance for the member for Ipswich West to stand up for the people of Willowbank and surrounding areas. I say again: the superdumps at Ipswich are all Labor's fault. They are there because of them, but it is not fair for everybody in Queensland to pay more for Labor's failure to do its job. I love Ipswich. It is where I went to school and it is where I spent a lot of time in my childhood. It is where a lot of Scenic Rim electors work and shop, and it is time for all Labor members to come clean with Ipswich, to call in the application and knock it on the head.

(Time expired)

Division: Question put—That the amendment be agreed to.

AYES, 47:

ALP, 46—Bailey, Boyd, Brown, Butcher, Crawford, D'Ath, de Brenni, Dick, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Healy, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lui, Lynham, Madden, McMahon, McMillan, Mellish, Miles, Miller, Mullen, B. O'Rourke, C. O'Rourke, Palaszczuk, Pease, Pegg, Power, Pugh, Richards, Russo, Ryan, Saunders, Stewart, Trad, Whiting.

Ind, 1—Bolton.

NOES, 43:

LNP, 39—Bates, Batt, Bennett, Bleijie, Boothman, Boyce, Costigan, Crandon, Crisafulli, Frecklington, Hart, Hunt, Janetzki, Krause, Langbroek, Last, Leahy, Lister, Mander, McArdle, McDonald, Mickelberg, Millar, Minnikin, Molhoek, Nicholls, O'Connor, Perrett, Powell, Purdie, Robinson, Rowan, Simpson, Sorensen, Stevens, Stuckey, Watts, Weir, Wilson.

KAP, 3—Dametto, Katter, Knuth.

PHON, 1—Andrew.

Resolved in the affirmative.

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Division: Question put—That the motion, as amended, be agreed to.

AYES, 48:

ALP, 47—Bailey, Boyd, Brown, Butcher, Crawford, D'Ath, de Brenni, Dick, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Healy, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lui, Lynham, Madden, McMahon, McMillan, Mellish, Miles, Miller, Mullen, B. O'Rourke, C. O'Rourke, Palaszczuk, Pease, Pegg, Power, Pugh, Richards, Russo, Ryan, Saunders, Scanlon, Stewart, Trad, Whiting.

Ind, 1—Bolton.

NOES, 43:

LNP, 39—Bates, Batt, Bennett, Bleijie, Boothman, Boyce, Costigan, Crandon, Crisafulli, Frecklington, Hart, Hunt, Janetzki, Krause, Langbroek, Last, Leahy, Lister, Mander, McArdle, McDonald, Mickelberg, Millar, Minnikin, Molhoek, Nicholls, O'Connor, Perrett, Powell, Purdie, Robinson, Rowan, Simpson, Sorensen, Stevens, Stuckey, Watts, Weir, Wilson.

KAP, 3—Dametto, Katter, Knuth.

PHON, 1—Andrew.

Resolved in the affirmative.

Motion, as agreed—

That this House—

(a) notes that Ipswich City Council is the assessment agency for the BMI Group's application for a waste facility at New Chum;

(b) notes that Ipswich City Council has not requested the state to exercise its call-in powers;

(c) notes that Ipswich City Council has the power to approve or reject applications to expand existing or establish new waste facilities; and

(d) notes the final report of Justice Peter Lyons' investigation into the transport of waste into Queensland.

Mr SPEAKER: Members will note that the time is actually past the automatic 7 pm adjournment. This matter will be resolved prior to the next sitting. I have allowed some discretion for this debate and the resulting divisions to occur.

Sophie Smith

From: Executive Correspondence DSD
Sent: Tuesday, 3 April 2018 1:24 PM
To: 'mayor@ipswich.qld.gov.au'
Subject: Correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning - Our Ref : MBN18/759
Attachments: CR ANDREW ANTONIOLLI.PDF

Good afternoon

Please find attached correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning. Please note hard copy to follow in post.

Please do not respond to this email. If you wish to reply please send your email to statedevelopment@ministerial.qld.gov.au.

Kind regards,



**Queensland
Government**

Executive Services Unit

Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7100 E executivecorrespondencesd@dsd.qld.gov.au

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The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
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Our ref: MBN18/759

- 3 APR 2018

Councillor Andrew Antonioli
Mayor
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Email: mayor@ipswich.qld.gov.au

Dear Councillor Antonioli

Andrew,

Thank you for your letter of 2 March 2018 requesting I exercise my ministerial powers to call in the development application seeking to expand a landfill at 30 Memorial Drive, Swanbank. I note the core issues and impacts you identified in respect to this (and other applications) within the Swanbank / New Chum industrial area. As you know my role as Planning Minister is to ensure that state interests defined in the State Planning Policy are not adversely affected by planning schemes or development applications.

Upon review of the Swanbank development application, I have formed the view that the development does not involve a state interest in a manner that warrants a call in and that the Planning and Environment Court is the appropriate forum for this matter to be resolved. Consequently, I will not be issuing a proposed call in notice in this instance.

Notwithstanding this decision, I have also issued a notice to the Chief Executive Officer of the Ipswich City Council advising that I intend to make a temporary local planning instrument (TLPI) to suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006*. The reasons for my intention to make a TLPI have been included in the notice provided to the Chief Executive Officer.

Should I decide to proceed to make the TLPI, the TLPI will regulate applications for new or expanded waste activities within the Swanbank / New Chum area to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities.

The TLPI will afford your council two years to prepare amendments and to consult with the community to ensure their views are incorporated and the planning scheme can appropriately manage waste facilities moving forward.

I have requested the Chief Executive Officer to provide me with any comments in respect to my proposed action by 5.00pm on Thursday 5 April 2018.

If you require further information, please contact Mr Graeme Bolton, Acting Deputy Director-General Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 3452 7909 or graeme.bolton@dsdmip.qld.gov.au, who will be pleased to assist.

Yours sincerely



CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning



Sophie Smith

From: Executive Correspondence DSD
Sent: Tuesday, 3 April 2018 1:26 PM
To: 'council@ipswich.qld.gov.au'
Subject: Correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning - Our Ref : MBN18/759
Attachments: MR GARY KELLAR.PDF; Attachment - Notice to council.pdf

Good afternoon

Please find attached correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning. Please note hard copy to follow in post.

Please do not respond to this email. If you wish to reply please send your email to statedevelopment@ministerial.qld.gov.au .

Kind regards,



Executive Services Unit

Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7100 E executivecorrespondencesd@dsd.qld.gov.au

1 William Street, Brisbane QLD 4000

PO Box 15009, City East QLD 4002

www.statedevelopment.qld.gov.au



The Hon Cameron Dick MP
Minister for State Development,
Manufacturing, Infrastructure and Planning

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Brisbane QLD 4000
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Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

Our ref: MBN18/759

- 3 APR 2018

Mr Gary Kellar
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Email: council@ipswich.qld.gov.au

Dear Mr Kellar

Notice of proposed action - temporary local planning instrument (TLPI) for Ipswich City Council

I refer to section 27(2) of the *Planning Act 2016* and attach a notice advising that I intend to make a temporary local planning instrument (TLPI) to suspend or otherwise affect the operation of the Ipswich Planning Scheme 2006.

If the Ipswich City Council (Council) would like to comment on my proposed action, I request that the Council provide its comments to me by 5.00pm on Thursday 5 April 2018, via email to Mr Graeme Bolton, Acting Deputy Director-General Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning, at graeme.bolton@dsdmip.qld.gov.au.

If you require further information, please contact Mr Bolton on (07) 3452 7909, who will be pleased to assist.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Enc

NOTICE

Given by the Honourable Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning

under section 27(2)(a) and 27(2)(b) *Planning Act 2016*

Notice of proposed action - section 27(2)(a) *Planning Act 2016*

I refer to section 27(2)(a) of the *Planning Act 2016* (the **Planning Act**) and provide notice that:

- (a) I intend to make a temporary local planning instrument (**TLPI**) effective from the day published in the government gazette. Attachment A to this Notice is the Proposed TLPI;
- (b) The effect of the TLPI which I propose to make will be to suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* in relation to proposed development of waste activity uses in the Swanbank/New Chum industrial area, shown on the map at **Attachment A** to the TLPI;
- (c) I have decided that the TLPI should be made to protect, or give effect to, a State interest;
- (d) I have decided that the proposed action to make a TLPI should be taken urgently.

Reasons for taking the action - section 27(2)(b) *Planning Act*

For section 27(2)(b) of the *Planning Act*, I provide the following reasons for taking the proposed action:

1. Decision

- On 3 April 2018, I, the Honourable Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning, decided that I intend to take action under section 26(2)(b) of the *Planning Act* to protect, or give effect to, a State interest, and that the action must be taken urgently.
- The action that I intend to take is to make a TLPI that may be cited as the Temporary Local Planning Instrument No.1 / 2018 (Waste Activity Regulation) with respect to landfill and waste activities occurring in the Swanbank/New Chum industrial area. The TLPI will suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* as set out in the TLPI.
- The reasons for my decision, as required by section 27(2) of the *Planning Act*, are set out below.

2. Introduction

2.1 By a letter dated 2 March 2018, the Ipswich City Council (**Council**):

- (a) requested that as the responsible Minister I call in a development application lodged by Bio-Recycle Pty Ltd. The Planning Assessment Report prepared by the Department identifies that the application was for a development permit for:
 - (i) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (ii) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year), (**the Bio-Recycle Proposal**); and
- (b) advised me that the Council would provide a watching brief on a development application lodged by Austin BMI Pty Ltd, which the Planning Assessment Report prepared by the Department states is for a new landfill to be established in a former mining void (**the BMI Proposal**); and
- (c) advised that there was the potential for additional development applications for landfill operations to be lodged in the future.

2.2 The Bio-Recycle Proposal was lodged with Council on 28 June 2017, under the now repealed *Sustainable Planning Act 2009 (SPA)*.

2.3 The BMI Proposal is for:

- (a) a development permit for a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
- (b) a development permit for operational works for the clearing of vegetation;
- (c) the following environmentally relevant activities:
 - (i) ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;
 - (ii) ERA33 - crushing, grinding, milling or screening more than 5,000t of material in a year; and
 - (iii) ERA 62 - waste transfer station.
- (d) The BMI Proposal was lodged with Council on or about 13 February 2018, under the Planning Act.

2.4 Council has also communicated to the State that a number of future development applications for landfills are anticipated to be lodged in the future in Ipswich, as indicated in the letter from the Mayor dated 2 March 2018 and an email from the City Planner dated 6 March 2018.

3. Legislative framework

3.1 Legislation and statutory instruments relevant to my decision are:

- (a) the *Planning Act 2016*;
- (b) the *Planning Regulation 2017*;
- (c) the Minister's Guidelines and Rules under the *Planning Act 2016*, dated July 2017;
- (d) *Ipswich Planning Scheme 2006*;
- (e) the *State Planning Policy 2017*;
- (f) the *South East Queensland Regional Plan 2017*.

3.2 Section 27 of the Planning Act applies if I consider that:

- (a) action should be taken under section 26(2)(b) to protect, or give effect to, a State interest; and
- (b) the action must be taken urgently.

3.3 A "State interest" is defined as an interest that I consider:

- (a) affects an economic or environmental interest of the State or a part of the State; or
- (b) affects the interest of ensuring that the Planning Act's purpose is achieved.¹

3.4 The action which I may consider taking urgently under section 27 and 26(2)(b) of the Planning Act includes making a local planning instrument, including a TLPI.

3.5 Under section 23(1) of the Planning Act, a local government may make a TLPI if the local government and Minister decide:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
- (c) the making of the TLPI would not adversely affect State interests.

3.6 Under section 27(2) of the Planning Act, before taking action, I must give the relevant local government a notice that states:

- (a) the action that I intend to take; and
- (b) the reasons for taking the action.

3.7 Under section 27(3) of the Planning Act, after giving the relevant notice under the Planning Act, I may take the action as required under the process in the Minister's Rules without:

¹ Schedule 2 *Planning Act 2016*.

- (a) giving a direction to the local government under section 26; or
 - (b) consulting with any person before taking the action.
- 3.8 The Minister's Rules are made under section 17 of the Planning Act and include rules about making or amending TLPIs.
- 3.9 Section 10 of the *Planning Regulation 2017* provides that the Minister's guidelines and rules are contained in the document called "Minister's guidelines and rules", dated July 2017 and published on the Department's website.
- 3.10 Chapter 3, Part 2 of the Minister's guidelines and rules prescribes the process for making or amending a temporary local planning instrument (TLPI) for section 23 of the Planning Act².
- 3.11 A TLPI may suspend or otherwise affect the operation of another local planning instrument. The TLPI however does not amend or repeal the instrument.³ The TLPI is a statutory instrument.⁴

4. **The Evidence or other material on which findings on material questions of fact are based**

- 4.1 In deciding that I should exercise my power under section 27 of the Planning Act, I had regard to the following documents:
- (a) Briefing Note and associated attachments under Ministerial correspondence number MBN18/759, including:
 - (i) draft Temporary Local Planning Instrument;
 - (ii) draft Statement of Reasons;
 - (iii) Planning Assessment Report (including annexures).The annexures to the Planning Assessment Report include:
 - (iv) Letter from the Mayor of Ipswich, Mayor Antonioli to me dated 2 March 2018;
 - (v) Email from City Planner, Ipswich City Council to the Deputy Director General, Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning dated 6 March 2018;
 - (vi) Waste Activity Location Map 1 (Ipswich City Council map);
 - (vii) Waste Activity Location Map 2 (Ipswich City Council map);
 - (viii) Swanbank / New Chum area – historic growth (Department mapping);

² section 6.1 Minister's Guidelines and Rules

³ Section 23(3) *Planning Act 2016*.

⁴ Section 7 *Statutory Instruments Act 1992*.

- (ix) Willowbank area – desktop land use analysis (Department mapping);
- (x) Ipswich City Council submission to the Investigation into the Transport of Waste into Queensland;
- (xi) Parliamentary Motion by the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, on 21 March 2018 calling on the government to call in the BMI Proposal.

5. **Findings on material questions on fact**

5.1 I made the following findings of fact having regard to the evidence or other material as set out in Section 4 above including the Planning Assessment Report prepared by the Department.

5.2 The report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" (the **Lyons Report**), dated 17 November 2017 states that:

- (a) according to a report undertaken by Arcadis there were approximately 226 landfills in Queensland up to financial year 2015, of these, 20 landfills were located in South East Queensland;
- (b) according to a report undertaken by Arcadis, approximately half of all waste disposed to landfill in Queensland is processed at facilities that are located at Swanbank, New Chum and Willowbank;
- (c) according to a report undertaken by Arcadis, waste generators from interstate are disposing of their waste in the Ipswich area; and
- (d) according to a report undertaken by Arcadis, none of the significant landfills in the Ipswich local government area are owned by the local government.

5.3 Further, the Lyons Report states at paragraphs 77 and 170 that:

"EHP has informed the investigation team that all but 2,000 tonnes of the waste coming into Queensland from outside of the State is being transported into SEQ. Data collected by EHP and industry information indicate that the majority of waste from interstate sources is going into facilities near Ipswich. Figure 3 is a map of key waste disposal facilities that has been prepared by Arup based on an analysis of a number of sources."

"In addition, as the Ipswich City Council has noted in a submission to the investigation, "the movement and disposal of waste from southern states to privately owned landfills in Ipswich is considered to have a negative impact on the Ipswich community by creating a perception that Ipswich has become 'a dumping ground' for other state's waste."

5.4 The recommendations made by the Lyons Report were as follows:

Recommendation No. 1

The Government should consider implementing a general levy on all waste disposed of at landfill in Queensland.

Recommendation No. 2

The Minister for Environment and Heritage Protection and the Department of Environment and Heritage Protection should continue to engage with the corresponding Ministers and Agencies in other Australian States and Territories about the design and implementation of a national framework that would reduce or limit the unnecessary transportation of waste within Australia⁵.

- 5.5 Both of these recommendations made in the Lyons Report are supported by the Queensland Government as confirmed in the document "Queensland Government response Investigation into the transport of waste into Queensland" March 2018;
- 5.6 Council has received two recent development applications in the vicinity of Swanbank and New Chum industrial area as follows:
- (a) the development application lodged, on or about 28 June 2017, by Bio-Recycle Pty Ltd for a development permit for:
 - (i) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (ii) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year) (**the Bio-Recycle Proposal**); and
 - (b) the development application lodged, on or about 13 February 2018, by Austin BMI Pty Ltd for a development permit for:
 - (i) a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
 - (ii) operational works for the clearing of vegetation;
 - (iii) a material change of use for the following environmentally relevant activities:
 - A. ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;
 - B. ERA33 - Crushing, grinding, milling or screening more than 5,000t of material in a year; and
 - C. ERA 62 - waste transfer station (**the BMI Proposal**).
- 5.7 The Bio-Recycle Proposal has been refused by the Council and is currently the subject of Brisbane Planning and Environment Court Appeal No. 473/2018.

⁵ Page. 40, report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" dated 17 November 2017.

5.8 The BMI Proposal was referred to the Department of State Development, Infrastructure, Manufacturing and Planning, State Assessment and Referral Agency (**SARA**) on 16 March 2018 for assessment by the Chief Executive against the following referral triggers:

- (a) Schedule 10, Part 5, Division 4, Table 2, Item 1 Environmentally Relevant Activities
- (b) Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 State transport infrastructure
- (c) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 State transport corridor.

5.9 The Planning Assessment Report prepared by the Department states that the BMI proposal is still under assessment by the Council and SARA.

5.10 The letter dated 2 March 2018 from the Mayor of the Council addressed to myself in my capacity as the Minister for State Development, Manufacturing, Infrastructure and Planning (**Ipswich City Council letter**) stated in respect of the Bio-Recycle Proposal and the BMI Proposal:

"These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests. The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities."

5.11 The Ipswich City Council letter also stated that:

"In addition to this, there is potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer."

5.12 The Ipswich City Council letter requested that I call-in the Bio-Recycle Proposal.

5.13 The Deputy Director-General, Planning Group, of the Department of State Development, Manufacturing, Infrastructure and Planning received an email from the Council's City Planner dated 6 March 2018. The email from the Council's City Planner stated that:

"We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes."

5.14 The email from the Council's City Planner to the Deputy Director-General attached two Waste Activity Location Maps that identified the anticipated further applications and the former mining sites within the Swanbank/New Chum area and the Willowbank area. On review of this information I have formed the view in relation to the Swanbank / New Chum industrial area that two (2) development applications have been lodged, that there are eight (8) expected development applications (the Planning Assessment Report prepared by the Department notes that the council has not identified the source of the information in the mapping; however, as the relevant assessment manager under the Planning Act, the council is in a position to have had pre-

lodgement discussions and other enquiries with potential proponents) and there are two (2) former mining sites with the potential for similar development.

- 5.15 The Swanbank/New Chum industrial area is proximate to residential communities, including the Ripley Valley Priority Development Area (**PDA**).
- 5.16 The Planning Assessment Report prepared by the Department notes the following, in respect of the Ipswich Planning Scheme 2006:
- (a) there are no separation distances in the Council's planning scheme which are relevant to the assessment of waste management development applications, including the Bio-Recycle Proposal and the BMI Proposal;
 - (b) the Strategic Framework, being contained in section 1.5 within the planning scheme is not a relevant consideration in the Council's assessing and deciding land and waste management development applications (including the Bio-Recycle Proposal and the BMI Proposal). Section 1.5, sub-section (2) specifically states that the Strategic Framework is not relevant to development assessment;
 - (c) the Desired Environmental Outcomes (DEOs), being contained in section 3.0 within the planning scheme, is a relevant consideration in the Council's development assessment function. However, the DEOs identified within section 3.1(3) are high level and not specifically written in contemplation of assessing and deciding landfill and waste management development applications;
 - (d) key growth areas being the PDA are covered by a separate mechanism being the Ripley Valley Development Scheme (October 2011) and this development scheme continues to provide for the continued growth and expansion of the Ripley Valley Town Centre and new, master planned communities, separate to, and outside of, the jurisdiction of the local government's planning scheme and more specifically, the Swanbank/New Chum land use concept master plan contained in the planning scheme.
- 5.17 The Planning Assessment Report prepared by the Department states there are several components of the Ipswich Planning Scheme 2006 that the Department considers affects its suitability as an effective planning instrument to manage these competing industrial and residential land uses, including:
- (a) there are no separation distances in the Ipswich Planning Scheme which are relevant to development proposals within the Swanbank/New Chum industrial area;
 - (b) there are no visual amenity provisions for landfill and waste management activities;
 - (c) landfills and other waste activities are categorised as 'special industries' under the planning scheme and are code assessable if an applicant can demonstrate that there are "no discernible impacts outside of the zone".
- 5.18 The Planning Assessment Report prepared by the Department states that biological air pollution (bioaerosols) from composting facilities have become a cause of increasing concern across many communities (not just Swanbank / New Chum) due to the potential for health impacts. The Planning Assessment Report continues that estimating bioaerosol exposure is problematic due to limitations in current monitoring methods, model inputs and the complexity of emission sources.

5.19 Under section 8(2) of the Planning Act, the State Planning Policy (**SPP**) dated July 2017 and the *South East Queensland Regional Plan 2017 (ShapingSEQ)* are State planning instruments which are made by the Minister to "protect or give effect to State interests".

5.20 The Planning Assessment Report prepared by the Department identifies the following relevant matters in the SPP:

- (a) Part E: State interest policies and assessment benchmarks, Planning for safety and resilience to hazards, Emissions and hazardous activities, page 48, relevantly states:

Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:

- *locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical, incorporating any required buffers within the site of the development*
- *ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to locate land uses*
- *designing incompatible developments to avoid or mitigate any potential impacts⁶.*

- (b) Part E: State interest policies and assessment benchmarks, State interest - emissions and hazardous activities, policy (4), page 49, relevantly states:

"(4) Sensitive land uses are protected from the impacts of previous activities that may cause risk to people or property including:

- (a) former mining activities and related hazards (e.g. disused underground mines, tunnels and shafts)*
- (b) former landfill and refuse sites*
- (c) contaminated land."*

- (c) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, Liveable communities, page 25, relevantly states:

"The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing.

...

All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development."

⁶ Page 48, SPP, 3 July 2017.

- (d) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, State interest - Liveable communities, policy (3), page 26, relevantly states:

(3) Development is designed to:

(a) value and nurture local landscape character and the natural environment

(b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity

(c) maintain or enhance opportunities for public access and use of the natural environment.

- (e) The SPP identifies the State interest of Emissions and hazardous activities (pages 48 and 49).
- (f) This state interest specifically identifies that the protection of the health, safety and amenity of communities and the environment is a fundamental role of land use planning (page 48).
- (g) The SPP also specifically identifies the need to protect specified existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively. Waste management facilities are identified as a land use requiring protection (page 49).
- (h) The SPP contains the following statements:
- (i) 'Some activities have the potential to cause nuisance to communities and other sensitive land uses through environmental emissions such as air, odour and noise pollution' (page 48)
 - (ii) 'Other developments, such as those that involve hazardous materials, can pose an even greater risk to the health and safety of communities and individuals, and the natural and built environment' (page 48)
 - (iii) 'Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:
 - A. locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical incorporating any required buffers within the site of the development
 - B. ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to-locate land uses
 - C. designing incompatible developments to avoid or mitigate any potential impacts.' (page 48)
 - D. protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:... (f) Waste management facilities' (page 49).

- (i) The SPP also identifies the state interest of Liveable communities at page 25 which provides:
 - (i) that liveable communities are of interest to the state as 'The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing' (page 25)
 - (ii) 'All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development (page 25).

5.21 The Planning Assessment Report prepared by the Department identifies the following in relation to statements in *ShapingSEQ*, which relate specifically to the PDA:

- (a) Goal 1 Grow states 'There is housing choice and sufficient land to accommodate the projected population and employment growth in an affordable and sustainable way to meet the community's changing lifestyle needs' (page 38), with Ripley Valley identified as a large residential expansion area
- (b) Sub-regional outcomes include Outcomes for Grow which seek 'to deliver new and more complete communities that are well-planned and serviced' (page 130), including in Ripley Valley which together with Springfield and Rosewood/Thagoona/Walloon 'will accommodate the largest proportion of the sub-region's planned expansion ... These places will develop as new high-quality communities' (page 130)
- (c) Sub-regional outcomes include Outcomes for Live which seek to develop and promote great places which 'will support the sub region's liveability, prosperity, sense of identity and community' (page 136) and which includes Ripley, 'a vibrant new town centre that services the Ripley Valley master-planned community' (page 136).
- (d) *ShapingSEQ* contains the following statements which relate specifically to the Swanbank/New Chum industrial area:
 - (i) The Swanbank/New Chum industrial area is identified in *ShapingSEQ* as being within the South West Industrial Corridor REC. *ShapingSEQ* states that 'Supported by significant state and national transport infrastructure, this well-established REC, which spans into the Metro sub-region, contains the most significant industrial cluster in the region' (page 132).
 - (ii) *ShapingSEQ* identifies Swanbank as being a major enterprise and industrial area in the South West Industrial Corridor REC (page 61), and states that 'Major enterprise and industrial areas accommodate medium- and high-impact industries and other employment uses associated with, or with access to, state transport infrastructure. These areas are major drivers of economic growth. They are either significant in size or have the potential to expand to provide for industry and business activity clusters of regional and state significance' (page 58)

- (iii) The Swanbank/New Chum industrial area is located within the Western sub-region which 'contains SEQ's major rural production and regional landscape areas, and is supported by the major cities of Ipswich and Toowoomba. These cities contain significant expansion areas, Regional Economic Clusters (RECs) and infrastructure connections of national significance (page 127)
- (iv) Goal 2 Prosper states that 'Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities' (page 50) and that 'Maximising the region's traditional strengths and RECs will drive greater levels of local employment throughout SEQ' (page 50)
- (v) Strategy 1 of Element 2: Regional Economic Clusters is to 'Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity' (page 52).

5.22 In the Planning Assessment Report, the Department identified that there has been widespread print and digital media coverage of this issue including (amongst possible others): 612 ABC radio news bulletins and talk-back radio; various commercial television news bulletins; an ABC Four Corners exposé; and numerous pieces published in the Queensland Times, Courier Mail and Sydney Morning Herald. The Planning Assessment Report prepared by the Department states that a media article published in the Queensland Times on 15 March 2018 highlights that landfill activities are a key focus for the local community with the article reporting that over 400 residents attended a special community meeting organised in Booval on 13 March 2018 at which landfill activities in Ipswich were raised.

5.23 The Department has advised me that it has received numerous items of correspondence from a community group called 'IRATE' opposing landfill activities within Swanbank, particularly concerns include odour, dust and condition and compliance.

5.24 On 21 March 2018 the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, moved a Parliamentary Motion calling on the government to call-in the BMI Proposal.

6. **Reasons for decision**

6.1 I have decided that I intend to make the TLPI pursuant to section 27(1) and give notice to Council pursuant to section 27(2) of the Planning Act to suspend or otherwise affect the operation of *the Ipswich Planning Scheme 2006* for the following reasons.

6.2 Firstly, I decided that action should be taken to protect, or give effect to, a State interest as:

- (a) the Council has advised me that it has already received two development applications for landfill or waste transfer facilities to be located in Swanbank and New Chum;
- (b) the Council has advised me that a further eight development applications for landfills and waste disposal facilities are expected within the Swanbank/New Chum industrial area and located in the Council's local government area;

- (c) the Ipswich local government area is a major location for private investment in landfill waste disposal in Queensland as was reported in the Lyons Report;

6.3 I have considered the following State planning instruments which protect, and give effect to State interests, in my assessment:

- (a) **SPP:** The following State interests, as set out in the SPP at paragraph 5.20 above are relevant to my decision:
 - (i) *Planning for safety and resilience to hazards: Emissions and hazardous activities; and*
 - (ii) *Planning for liveable communities and housing: Liveable communities.*
- (b) **ShapingSEQ:** *ShapingSEQ* contains specific provisions that relate to both the PDA and the Swanbank/New Chum industrial area, as set out at 5.21 above.
- (c) the development applications for landfill or waste transfer facilities to be located in the Swanbank/New Chum industrial area will not be adequately assessed under the *Ipswich Planning Scheme 2006*, in consideration of the matters stated at 5.16 and 5.17 above.
- (d) I consider that the matters which the *Ipswich Planning Scheme 2006* does not contemplate in relation to proposed development of landfill or waste transfer facilities in Swanbank and New Chum at paragraph 5.16 and 5.17 above are matters which affect an economic and environmental interest of Queensland and require me to take action under the Planning Act to protect, or give effect to, a State interest.

6.4 I am satisfied that the TLPI is an appropriate action, and that the requirements in section 23(1) of the Planning Act are satisfied, namely:

- (a) for the reasons set out at 6.2 above, I am satisfied that there is a significant risk of serious adverse economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18-22 of the Planning Act would increase the risk, particularly given the information received from Council about the potential for future development applications to intensify waste and landfill facilities in the Swanbank/New Chum area and that Council has not provided any TLPI to the State for assessment; and
- (c) I am satisfied that the making of the proposed TLPI appropriately balances the economic and environmental State interests at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum area, and does not adversely affect any State interests.

6.5 I have decided that the proposed intended action to make a TLPI should be taken urgently, in accordance with s.27(1)(b) of the Planning Act. The reasons for why the TLPI should be made urgently are that:

- (a) the Mayor wrote to me on 2 March 2018 and the council emailed the Department on 6 March 2018: advising that in addition to the two existing applications for landfill facilities, there is reason to expect up to 8 future

development applications for landfill facilities will be lodged in the Swanbank/New Chum industrial area; and requesting the State's assistance;

- (b) there are complex and competing State interests including the protection of the health, safety and amenity of communities and the environment and the identification and importance of the Swanbank/New Chum industrial area as a major enterprise and industrial area, which is intended that the TLPI is responsive to;
- (c) there is the potential for health impacts and biological air pollution (bioaerosols) from composting facilities;
- (d) for the reasons listed in 5.16 and 5.17 above, the Ipswich Planning Scheme is inadequate to deal with the assessment of a number of proposals for intensification of landfill and waste activities in the Swanbank/New Chum industrial area;
- (e) the Council has not yet taken any formal steps to make a TLPI, or taken action to amend its planning scheme;
- (f) based on the matters set out at 5.10 - 5.14 above, I consider that there is a real risk that new development applications will be lodged prior to the Council taking action, either in respect of making its own TLPI or amending the Ipswich Planning Scheme;
- (g) there is community concern about the potential for land use conflicts between landfill and waste disposal activities, and the proximate residential land use.

Your reference
Our reference
Contact Officer John Adams
Telephone 3810 6666



Ipswich City Council

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The Hon. Cameron Dick MP
Minister for State Development,
Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4009

5 April 2018

Dear Minister

I am writing to you on behalf of the Ipswich City Council to offer our comments on the draft TLPI.

Thank you for providing an opportunity for Council to comment on the draft document.

There are five main issues that we would like you to consider as changes/enhancements to the draft TLPI.

1. Expanding the 'area of coverage' to include Willowbank/Ebenezer/Jeebroopilly and an existing mining void at Collinwood Park.

There are existing mining voids in the Willowbank/Ebenezer/Jeebroopilly area where waste industry operators are currently actively looking at setting up operations, with consequential potential adverse impacts similar to Swanbank/New Chum on existing nearby residences to the north, west and south east and existing and planned residential communities further afield to Walloon and Thagoona. There is also potential for adverse impacts from landfill and composting activities on both RAAF Base Amberley and Major Events held at the Ipswich Motorsports Precinct (IMP at Willowbank). The major events at IMP include Winter National Drag Racing, V8 Supercars and CMC Rocks. Each of these events has national media coverage – and in the case of CMC Rocks there is extensive international coverage. Offensive odours, as has occurred at Swanbank/New Chum, would cause irreparable damage to each of these events, as well as significant reputational damage to the City of Ipswich and the State of Queensland.

The existing mining void at Collinwood Park adjoins existing residential areas at Collingwood Park and Riverview. This area should be included within the waste buffer area (suitable only for mining rehabilitation with clean earthen material).

2. Increasing the separation distance for the waste buffer area to at least 1km.

The proposed 750m waste buffer is considered inadequate, as there is already a similar buffer in place (which has not proved effective) at Swanbank. It is considered that the buffer should be increased to at least 1km and incorporate any existing buffer areas/green space zones that are already in place. It should be noted that the Western Australia Department of Water and Environmental Regulation are currently considering 1km buffers around landfill sites and up to 2.5km around composting sites.

3. Including specific outcomes regarding the potential for geotechnical, dewatering and fire/combustion risks associated with former mining sites.

Former coal mining areas are highly susceptible to both underground and surface combustion that may be accentuated through landfill and composting activities. In addition many former mining sites have also been infiltrated with water and various coal seam workings may now be interlinked. Some major land subsidence events at Collingwood Park (that necessitated State 'buy back' and demolition of affected dwellings) have been at least partly attributed to dewatering of former underground mine workings. Both of these risks may extend well beyond an existing landfill site and are not normally well considered as part of a waste industry application.

4. Visual amenity provisions need to be strengthened.

There are real concerns about the potential visual impact of recent proposals to create large waste mounds well above the surface of existing mining voids. Accordingly the wording used needs to adopt a precautionary approach.

5. Combining medium and high impact waste areas.

There appeared to be little variance in the initial draft TLPI document between the application of medium and high impact waste areas, and it is recommended that these be combined to a single waste activity area, reducing the potential for confusion and simplify application of the TLPI.

Please find attached both 'track changes' and 'clean skin' copies of the documents incorporating the changes outlined above as well as a series of maps indicating revised buffer and waste activity areas for Swanbank/New Chum (and Collingwood Park) and Willowbank/Ebenezer/Jebroopilly. There are four maps enclosed. Two show the buffer and waste activity areas only for both localities. The other two provide context for the proposed changes by showing existing and planned residential areas as well as the Ipswich Motorsports and Major Events Precinct.

If you require any further information please contact John Adams (City Planner) on 3810 6666.

Yours sincerely

Sec. 4(4)(6) - Disclosing person

Gary Kellar
CHIEF EXECUTIVE OFFICER

Encl.

**TEMPORARY LOCAL PLANNING INSTRUMENT No.1 of 2018
(IPSWICH WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No.1 / 2018 (Waste Activity Regulation).

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to address concerns raised by the Ipswich City Council (the **council**) and the local community in respect to landfill and waste industry uses occurring in the Ipswich Local Government Area.
- 2.2 This TLPI seeks to balance social, economic and environmental State interests at significant risk of being impacted by the current and expected waste activity proposals in the Ipswich Local Government Area (particularly in the Swanbank/New Chum and Willowbank / Jeebropilly / Ebenezer industrial areas), whilst not adversely affecting any State interests.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential, and sensitive land uses and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, amenity (including visual amenity) and hazards (including geotechnical and fire risks).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum and Willowbank / Jeebropilly / Ebenezer industrial areas (located within the Ipswich local government area) to ensure these regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses and other sensitive receiving uses from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Ipswich Waste Buffer Area and the Ipswich Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Ipswich Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Ipswich Waste Buffer Area or the Ipswich Waste Activity Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and
 - (vi) “Waste Activity Use”.

-
3. includes four waste activity regulation areas:
 - (i) "Swanbank / New Chum Waste Buffer Area";
 - (ii) "Swanbank / New Chum Waste Activity Area";
 - (iii) "Willowbank / Jeebropilly / Ebenezer Waste Buffer Area"; and
 - (iv) "Willowbank / Jeebropilly / Ebenezer Waste Activity Area".
 4. prescribes the categories of assessment and assessment benchmarks for "Waste Activity Uses"; and
 5. includes a land use code, being the "Ipswich Waste Activity Code".

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by--
 - (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary in the Ipswich Waste Activity Area Maps in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the "Ipswich Waste Activity Use Code"; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

- 8.1 "**Clean Earthen Material**" means--
 - (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
 - (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater', forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

8.2 **"Compost Manufacturing Enclosed"** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year, and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 **"Compost Manufacturing Unenclosed"** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 **"Landfill"** means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

8.5 **"Rehabilitating a mining void"** means–

- (a) the filling of a mining void involving only 'clean earthen material'.

8.6 **"Waste Activity Use"** means–

the use of premises for waste industry purposes, including but not limited to:

- (a) "Compost Manufacturing Enclosed";
- (b) "Compost Manufacturing Unenclosed"; and
- (c) "Landfill";
- (d) "Rehabilitating a mining void".

RTI RELEASE - DSDMIP



Ipswich Waste Activity Code

1. Ipswich Waste Activity Code

- (1) The provisions in this section comprise the Ipswich Waste Activity Code:
 - compliance with the Ipswich Waste Activity Code (section 2);
 - overall outcomes for the Ipswich Waste Activity Code (section 3); and
 - specific outcomes for the Ipswich Waste Activity Code (section 4).

2. Compliance with the Ipswich Waste Activity Code

- (1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the Ipswich Waste Activity Code.

3. Overall Outcomes / Purpose for the Ipswich Waste Activity Code

- (1) The overall outcomes are the purpose of the Ipswich Waste Activity Code.
- (2) The overall outcomes for the Ipswich Waste Activity Code are:
 - (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Ipswich Waste Activity Code, constitute undesirable development and are unlikely to be approved.
 - (b) Waste Activity Uses:
 - (i) do not have a detrimental impact on the amenity of sensitive land uses, particularly existing, approved or planned residential areas, or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from sensitive land uses and other sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential areas, sensitive land uses or other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the Swanbank / New Chum Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occurs only in the Ipswich Waste Buffer Area and the Ipswich Waste Activity Area as shown on the Ipswich Waste Activity Area Maps; and
- (2) The use of a premises for a Waste Activity Use involving "Landfill" or "Compost Manufacturing Enclosed" occurs only in the Ipswich Waste Activity Area as shown on the Ipswich Waste Activity Area Maps; and
- (3) The use of a premises for a Waste Activity Use involving "Compost Manufacturing Unenclosed" does not occur in the Ipswich Waste Buffer Area or the Ipswich Waste Activity Area as shown on the Ipswich Waste Activity Area Maps.
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and





-
- (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
- (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) avoids the creation of landscapes that extend significantly beyond the predominant level of the natural surrounding topography and the top of former mining voids.
- (6) Waste Activity Uses are developed in a manner that:
- (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby sensitive land uses and other sensitive receiving uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to nearby sensitive receivers; and
 - (c) the generation of noise or light overspill do not cause nuisance or disturbance to nearby sensitive land uses and sensitive receiving uses.
- (8) Uses and works do not contribute in any way to geotechnical instability, subsidence or combustion associated with former mining activity.

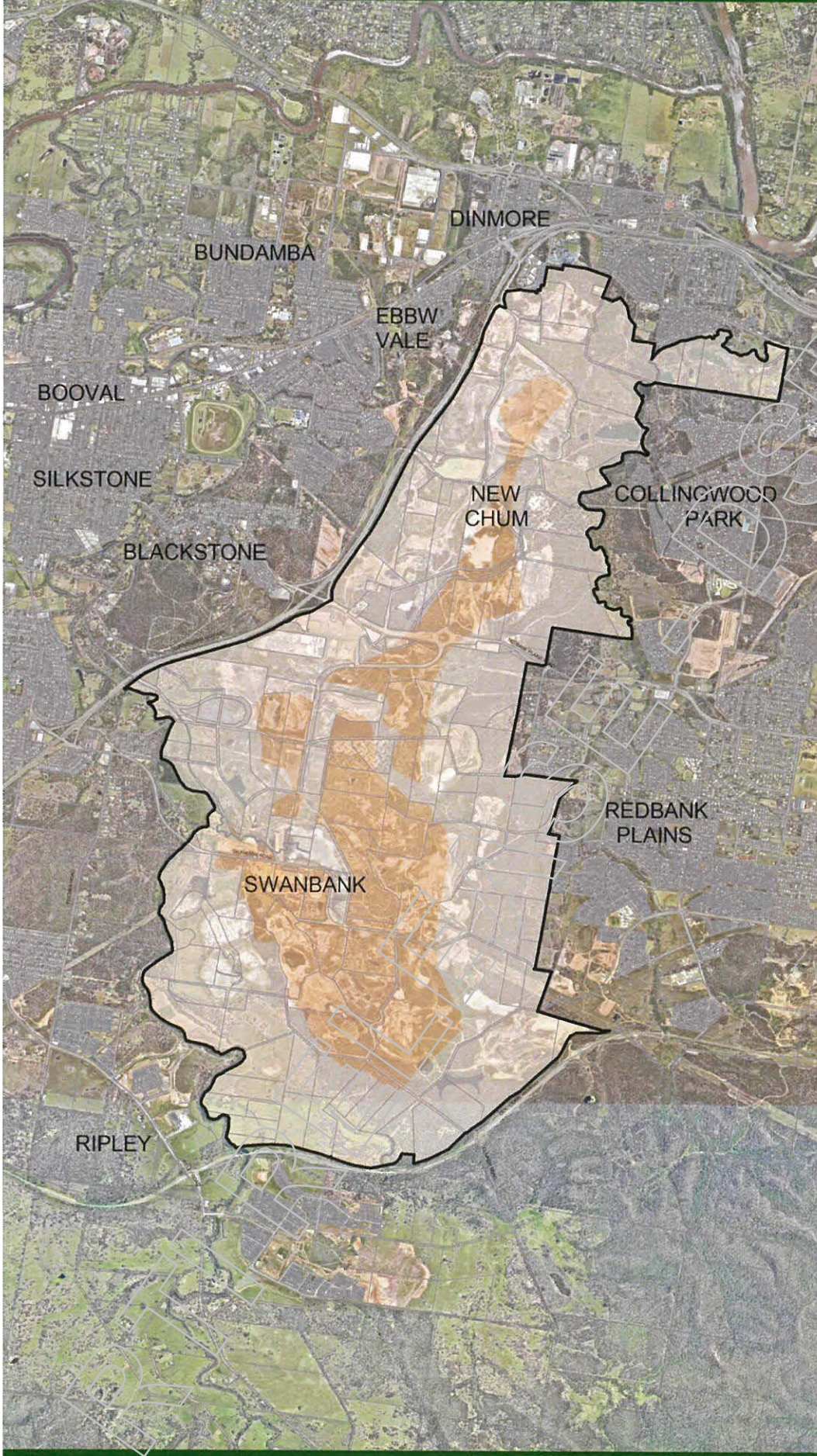
ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
IPSWICH WASTE BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Ipswich Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Ipswich Waste Activity Code
IPSWICH WASTE ACTIVITY AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Ipswich Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Ipswich Waste Activity Code
Waste Activity Use not involving Rehabilitating a Mining Void or Compost Manufacture Unenclosed	Impact Assessable	The whole Planning Scheme Ipswich Waste Activity Code

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-  TLPI Boundary
-  Property Boundary
-  Waste Activity Area
-  Waste Buffer Area



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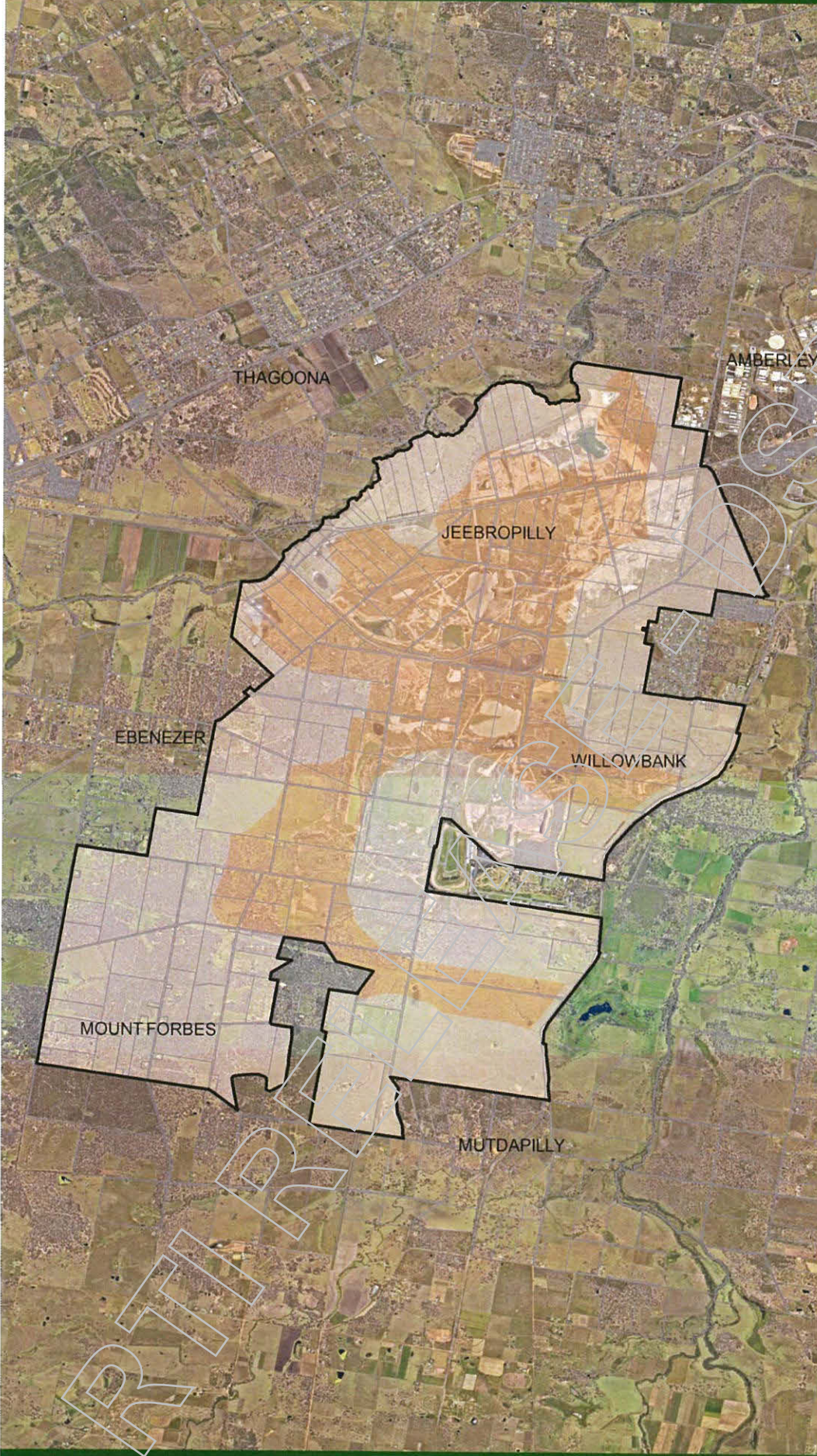
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Map Grid: Geocentric Datum of Australia (G.D.A.)
 Level Datum: Australian Height Datum (A.H.D.)



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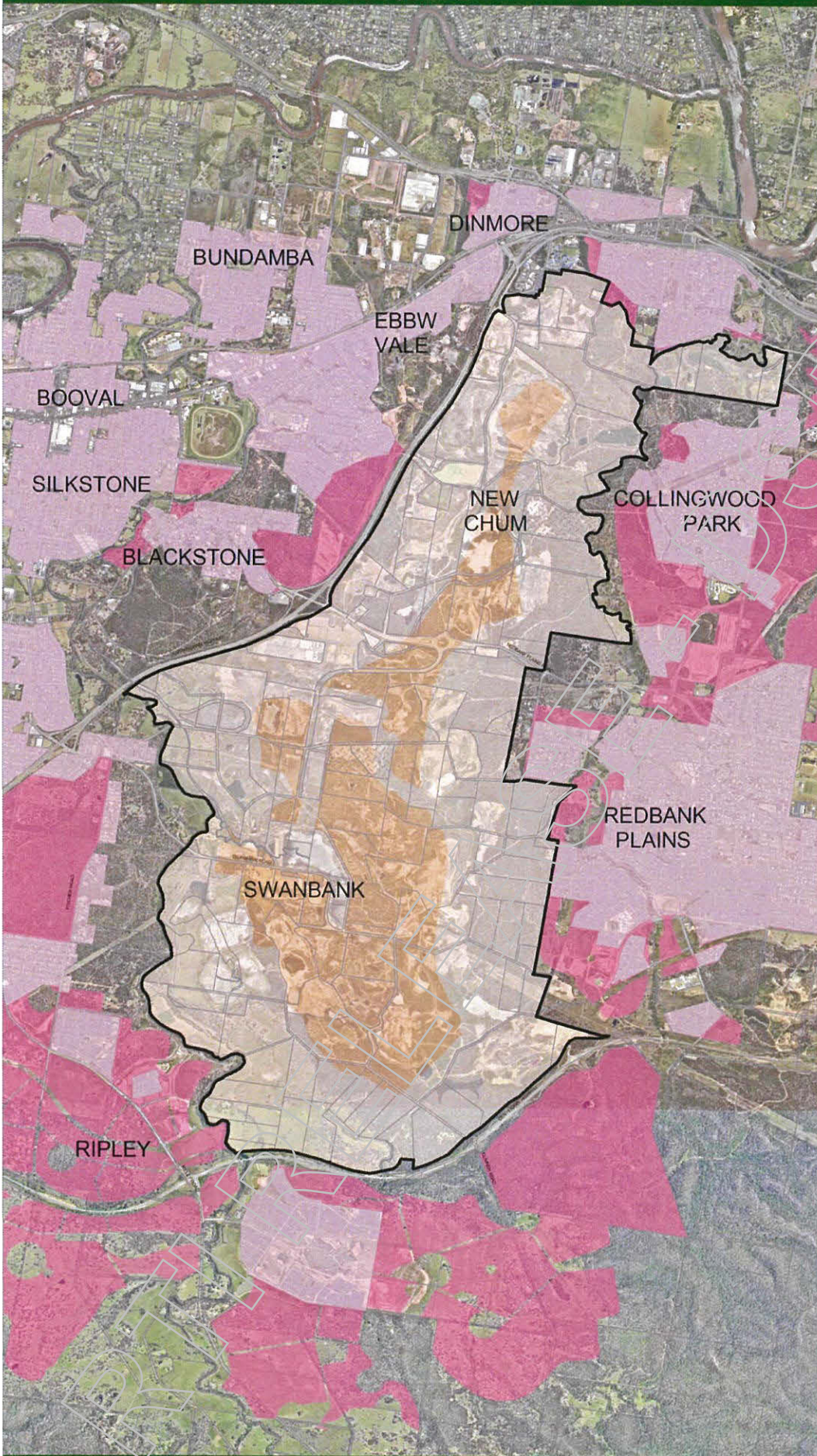
- TLPI Boundary
- Property Boundary
- Waste Activity Area
- Waste Buffer Area



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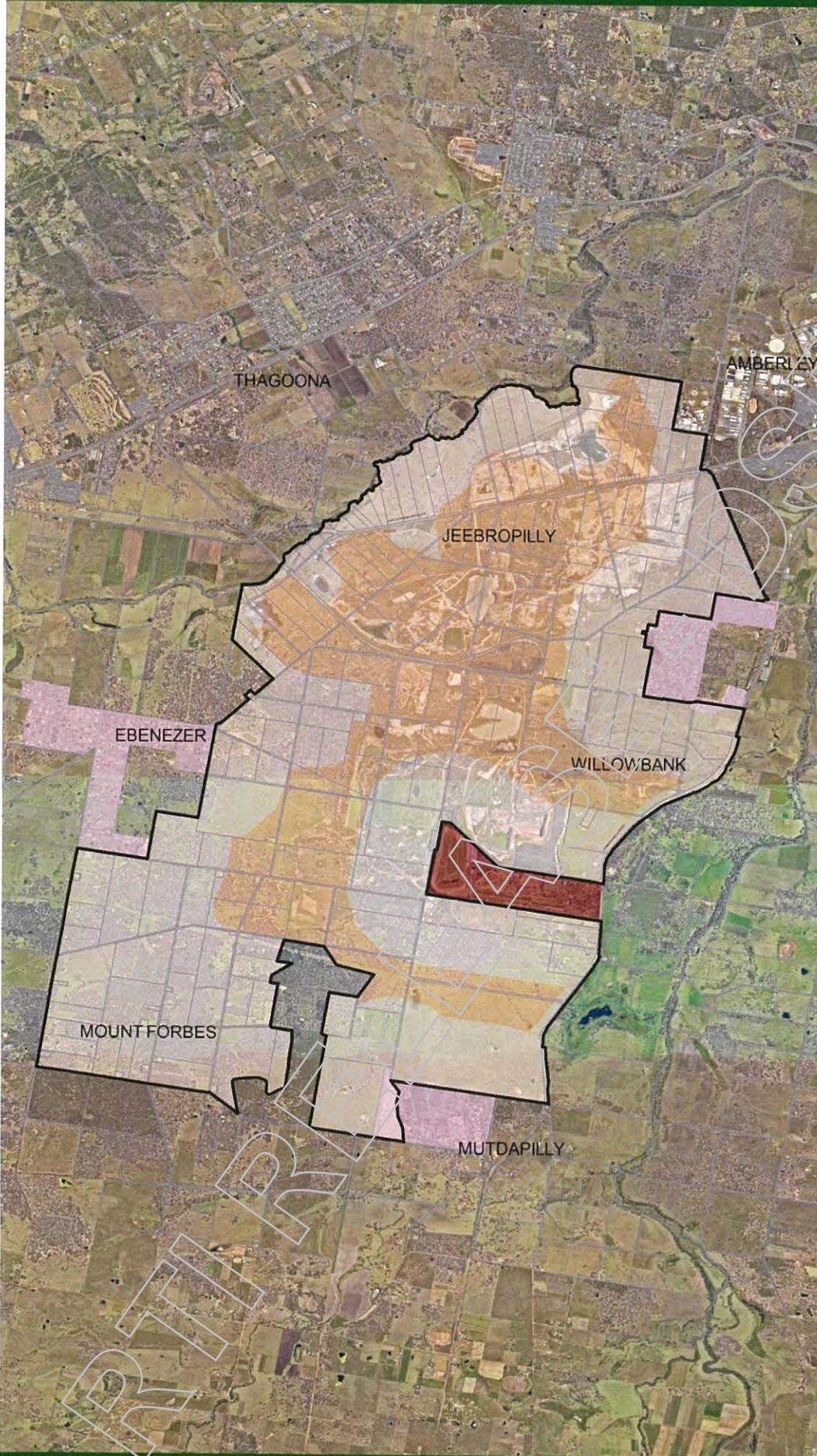
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- TLPI Boundary
- Property Boundary
- Waste Activity Area
- Waste Buffer Area
- Existing Residential
- Ipswich Motorsport / Major Events Precinct



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Map Grid: Geocentric Datum of Australia (G.D.A.)
 Level Datum: Australian Height Datum (A.H.D.)

IPSP01718-064

**TEMPORARY LOCAL PLANNING INSTRUMENT No.1 of 2018
(IPSWICH WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No.1 / 2018 (Waste Activity Regulation).

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to address concerns raised by the Ipswich City Council (the **council**) and the local community in respect to landfill and waste industry uses occurring in the ~~Swanbank / New Chum Ipswich Local Government industrial~~ area.
- 2.2 This TLPI seeks to balance social, economic and environmental State interests at significant risk of being impacted by the current and expected waste activity proposals in the Ipswich Local Government Area (particularly in the Swanbank/New Chum, and Willowbank / Jeebropilly / Ebenezer industrial areas), whilst not adversely affecting any State interests.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential, and sensitive receiving land uses and other sensitive receiving uses from adverse impacts including relating to odour, dust, noise, air quality, visual amenity (including visual amenity) and hazards (including geotechnical and fire risks).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum and Willowbank / Jeebropilly / Ebenezer industrial areas (located within the Ipswich local government area) to ensure ~~this~~ these regionally significant economic areas is are appropriately regulated to protect existing, approved or planned sensitive land uses and other sensitive receiving uses from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Ipswich Waste Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact and the Ipswich Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Ipswich Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Ipswich Waste Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact or the Ipswich Waste Activity Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and

3. "Waste Activity Use".
4. includes ~~three~~ four waste activity regulation areas:
 - (i) "Swanbank / New Chum Waste Buffer Area";
 - (ii) "Swanbank / New Chum Medium Impact Waste Activity Area"; and
 - (iii) "Swanbank / New Chum High Impact Waste Area" "Willowbank / Jeebropilly / Ebenezer Waste Buffer Area"; and-
 - (iv) "Willowbank / Jeebropilly / Ebenezer Waste Activity Area".
5. prescribes the categories of assessment and assessment benchmarks for "Waste Activity Uses"; and
6. includes a land use code, being the "Ipswich~~Swanbank / New Chum~~ Waste Activity Code".

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by—
 - (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary ~~on the Swanbank / New Chum Ipswich~~ Waste Activity Area Maps in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the "Swanbank / New Chum Ipswich Waste Activity Use Code"; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

- 8.1 "**Clean Earthen Material**" means—
 - (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
 - (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document 'Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater', forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

8.2 **"Compost Manufacturing Enclosed"** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 **"Compost Manufacturing Unenclosed"** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 **"Landfill"** means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

8.5 **"Rehabilitating a mining void"** means–

- (a) the filling of a mining void involving only 'clean earthen material'.

8.6 **"Waste Activity Use"** means–

- the use of premises for waste industry purposes, including but not limited to:
- (a) "Compost Manufacturing Enclosed";
 - (b) "Compost Manufacturing Unenclosed"; and
 - (c) "Landfill";
 - (d) "Rehabilitating a mining void".



**REFER TO D18/68656
Attachment A to
Attachment 1 - Ipswich
Waste Activity Areas
Maps**

Swanbank / New Chum Ipswich Waste Activity Code

1. ~~Swanbank / New Chum Ipswich~~ Waste Activity Code

- (1) The provisions in this section comprise the ~~Ipswich Swanbank / New Chum~~ Waste Activity Code:
- compliance with the ~~Ipswich Swanbank / New Chum~~ Waste Activity Code (section 2);
 - overall outcomes for the ~~Ipswich Swanbank / New Chum~~ Waste Activity Code (section 3); and
 - specific outcomes for the ~~Ipswich Swanbank / New Chum~~ Waste Activity Code (section 4).

2. Compliance with the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code

- (1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code.

3. Overall Outcomes / Purpose for the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code

- (1) The overall outcomes are the purpose of the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code.
- (2) The overall outcomes for the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code are:
- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the ~~Swanbank / New Chum Ipswich~~ Waste Activity Code, constitute undesirable development and are unlikely to be approved.
- (b) Waste Activity Uses:
- (i) do not have a detrimental impact on the amenity of sensitive land uses, particularly existing, approved or planned residential areas, or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from sensitive ~~receiving land~~ uses and other sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential areas, sensitive land uses or other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the ~~Swanbank / New Chum~~ Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only in the ~~Swanbank / New Chum Ipswich Waste~~ Buffer Area, ~~the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact and the Ipswich Waste Activity~~ Area as shown on the ~~Swanbank / New Chum Ipswich~~ Waste Activity Area Maps; and
- (2) The use of a premises for a Waste Activity Use involving “Landfill” or “Compost Manufacturing Enclosed” occurs only in the ~~Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Ipswich Waste Activity~~ Area as shown on the ~~Swanbank / New Chum Ipswich~~ Waste Activity Area Maps; and
- (3) The use of a premises for a Waste Activity Use involving “Compost Manufacturing Unenclosed” does not occur in the ~~Swanbank / New Chum Ipswich Waste~~ Buffer Area, ~~the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact or the Ipswich Waste Activity~~ Area as shown on the ~~Swanbank / New Chum Ipswich~~ Waste Activity Area Maps.
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former

mining activities that:

- (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
 - (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
- (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) avoids the creation of landscapes that extend significantly beyond the predominant level of the natural surrounding topography, and the top of former mining voids.
- (6) Waste Activity Uses are developed in a manner that:
- (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
 - ~~(d) does not adversely affect stormwater management and where possible, improves the management of the catchment.~~
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby sensitive land uses residential and other sensitive land-receiving uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to nearby sensitive receivers; and
 - (c) the generation of noise or light overspill do not cause nuisance or disturbance to nearby sensitive land uses and sensitive receiving users.
- ~~(8) Uses and works do not contribute in any way to geotechnical instability, subsidence or combustion associated with former mining activity.~~
-

ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
SWANBANK / NEW CHUM IPSWICH WASTE BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) <u>Swanbank/New Chum Ipswich</u> Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme <u>Swanbank/New Chum Ipswich</u> Waste Activity Code
SWANBANK / NEW CHUM MEDIUM-IMPACT IPSWICH WASTE ACTIVITY AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) <u>Swanbank/New Chum Ipswich</u> Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme <u>Ipswich</u> <u>Swanbank/New Chum</u> Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed <u>not involving Rehabilitating a Mining Void or Compost Manufacture Unenclosed</u>	Impact Assessable	<u>The whole Planning Scheme</u> Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) <u>Swanbank/New Chum Ipswich</u> Waste Activity Code
SWANBANK / NEW CHUM HIGH-IMPACT WASTE AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) <u>Swanbank/New Chum</u> Waste Activity Code
Waste Activity Use other than Rehabilitating a Mining Void	Impact Assessable	<u>The whole Planning Scheme</u> Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) <u>Ipswich</u> <u>Swanbank/New Chum</u> Waste
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme <u>Ipswich</u> <u>Swanbank/New Chum</u> Waste Activity Code

SUBJECT: Final Making of the Temporary Local Planning Instrument No.1 of 2018 – Waste Activity Regulation

RECOMMENDATION


It is recommended that you:

- **consider** the Ipswich City Council (the council) submission at (**Annexure 1 to Attachment 2**)
- **note** the finalised proposed Temporary Local Planning Instrument (TLPI) at **Attachment 1**
- **note** the Ministerial Decision Brief MBN18/759 with attachments at **Annexure 3 to Attachment 2**
- **note** the Addendum to the Planning Assessment Report at **Attachment 2**
- **decide** under s27(1) of the *Planning Act 2016* (Planning Act) that:
 - action should be taken, namely the making of the TLPI, under s26(2)(b) of the Planning Act to protect, or give effect to a State interest; and
 - consider that the action must be taken urgently.
- **decide** that the proposed TLPI meets the requirements in s23(1) of the Planning Act
- **decide** the requirements under s27(2) of the Planning Act about giving notice to council of your intended action have been satisfied
- **decide** under s27(3) of the Planning Act to make the TLPI
- **endorse** the draft Statement of Reasons at **Attachment 3**
- **sign** the attached letters to:
 - the Chief Executive Officer of the council at **Attachment 4**
 - the Mayor of the council, Cr Andrew Antonioli, at **Attachment 5**
- **approve** the attached notice at **Attachment 6** to be published in the Queensland Government Gazette
- **approve** the Department of State Development, Manufacturing, Infrastructure and Planning, (the department) to undertake, in accordance with s27(3) of the Planning Act, the action as required under the process in the Minister's Guidelines and Rules (MGR) on your behalf
- **note** this briefing note contains legal advice which is confidential and subject to legal professional privilege.

NOTED / APPROVED / NOT APPROVED  
Hon. Cameron Dick MP Minister for State Development, Manufacturing, Infrastructure and Planning
Date: 6 / 3 / 2018
Comments? <input type="checkbox"/>

KEY ISSUES

- Section 27 of the Planning Act provides that you may make a TLPI if you consider the following "relevant matters" apply:
 - the TLPI should be made under s26(2)(b) of the Planning Act to protect, or give effect to, a State interest; and
 - the action must be taken urgently.
- Should you consider the relevant matters apply, you must also be satisfied of the matters in s23(1) of the Planning Act, being:
 - there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
 - the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk; and
 - the making of the TLPI would not adversely affect State interests.

Endorsed by A/DDG: Graeme Bolton Business Group: Planning Group Telephone: 3452 7909	Approved by Acting Director General: Kerry Doss  Telephone: 3452 7029 6 / 4 / 2018
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- On 3 April 2018, in accordance with your decision in Ministerial Decision Brief MBN18/759, you gave a notice to the Chief Executive Officer of the council under section 27(2) of the Planning Act, advising of your intent to make a TLPI to suspend or otherwise affect the operation of the Ipswich Planning Scheme 2006 (the planning scheme).
- In your correspondence to the Chief Executive Officer, you advised the council it had until 5.00pm Thursday 5 April 2018 to provide comment about the intended action. The council provided formal comments (**Annexure 1 to Attachment 2**) to you about your intended action (the council's response), before the stated time. You are required to consider this submission before deciding to make the TLPI under s27(3) of the Planning Act.
- The department has assessed the council's response in the Addendum to the Planning Assessment Report (**Attachment 2**) and provides the following summary:
 - the additional information provided in the council's response does not materially affect your consideration of the relevant legislative provisions of the Planning Act relating to making a TLPI and taking urgent action as the Planning Minister and it is open to you to:
 - consider that the relevant matters in s27(1) of the Planning Act are established; and
 - decide the matters in s23(1) of the Planning Act are met
 - the expansion of the 'area of coverage' to include Willowbank/Ebenezer/Jeebropilly is not supported by sufficient justification and evidence to satisfy the consideration of sections 23 and 27 of the Planning Act and should not be supported
 - the inclusion of the existing mining void at Collingwood Park satisfies the consideration of sections 23 and 27 of the Planning Act and should be supported
 - the expansion of the buffer distance to 1 kilometre: is not supported by a risk assessment; is well in excess of current Department of Environment and Science guidelines; would be likely to adversely affect a State interest; would consequentially not satisfy the consideration of sections 23 and 27 of the Planning Act and should not be supported
 - the mapping in Attachment A to the TLPI be amended to include land in the Recreation Zone and the Buffer/Greenspace Zone as shown on Figure 6-7-1 Swanbank New Chum Land Use Concept Master Plan on page 6-15 of the planning scheme within the Swanbank/New Chum - Buffer Area.
 - the insertion of "or the dewatering of former mines" in section 4(6)(c) in Attachment B of the proposed TLPI seeks to protect surface or ground water quality from adverse harm, meets the consideration of sections 23 and 27 of the Planning Act, and should be supported
 - the insertion of "Uses and works do not contribute in any way to geotechnical instability, subsidence or combustion associated with former mining activity" in section 4(8) of the proposed TLPI is not supported by sufficient justification and evidence and should not be supported
 - amending the wording of section 4(5)(b) in Attachment B in response to the councils' response be supported
 - combining the medium and high impact waste areas in response to the councils' response be supported
 - minor editorial changes in response to the councils' response be supported
- It is essential that you review the draft Statement of Reasons together with the Addendum to the Planning Assessment Report and decide if you are satisfied, on the basis of the reasons contained in that statement, that:
 - the relevant matters in s27(1) and the requirements in s23(1) are met
 - the requirements in s27(2) of the Planning Act about giving notice to council of your intended action were complied with
 - having considered council's submission, the TLPI is to be made in accordance with s27(3) of the Planning Act.
- Should you decide to make the TLPI, the following administrative actions relevant to your decision under schedule 2 of the Planning Act and chapter 3, part 2, section 9 of the Minister's Guidelines and Rules, will need to be taken:
 - Schedule 2 of the Planning Act, part (c) definition of "public notice" requires a public notice that

is about a local planning instrument (that is not a proposed local planning instrument) to be published:

- In the gazette,
 - In a newspaper circulating in the local government area, and
 - On the local government's website.
- Section 5 of Schedule 5 of the MGR sets out the requirements for a public notice about making a TLPI. Each notice must state:
- The name of the local government
 - The title of the adopted TLPI
 - The commencement date for the TLPI
 - If an earlier effective day has been approved (not relevant to a decision of the Minister to make a TLPI)
 - The date the TLPI will cease to have effect
 - The purpose and general effect of the TLPI
 - If the TLPI applies only to part of a local government area, a description about the location of that area, and
 - Where a copy of the TLPI may be inspected and purchased.
- Section 9.3 of chapter 3, part 2 of the MGR provides that within 10 days of a TLPI being gazetted, the following must be given to the Chief Executive of the department:
- A copy of the public notice
 - A certified copy of the TLPI as made, including an electronic copy of the instrument and a copy of all electronic mapping relevant to the TLPI
- Legal Services in the department has provided the following information:

s. 73(2) - Not relevant/ Out of scope

Minister's comments

A/DG

Thank you for this comprehensive material as well as the comprehensive oral briefing of earlier this afternoon.

MA 6-3-18

RTI RELEASE - DSD/MP

TEMPORARY LOCAL PLANNING INSTRUMENT No.1 of 2018 (WASTE ACTIVITY REGULATION)

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No.1 / 2018 (Waste Activity Regulation).

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to address concerns raised by the Ipswich City Council (the **council**) and the local community in respect to landfill and waste industry uses occurring in the Swanbank / New Chum industrial area.
- 2.2 This TLPI seeks to balance economic State interests against social and environmental State interests, at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum industrial area, whilst not adversely affecting any State interest.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, and amenity (including visual amenity).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving uses, from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Swanbank / New Chum Buffer Area or Swanbank / New Chum Waste Activity Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and
 - (vi) “Waste Activity Use”.
 3. includes two waste activity regulation areas:
 - (i) “Swanbank / New Chum Buffer Area”; and
 - (ii) “Swanbank / New Chum Waste Activity Area”

4. prescribes the categories of assessment and assessment benchmarks for “Waste Activity Uses”; and
5. includes a land use code, being the “Swanbank / New Chum Waste Activity Code”.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by—
 - (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary on the Swanbank / New Chum Waste Activity Area Map in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the “Swanbank / New Chum Waste Activity Use Code”; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

- 8.1 “**Clean Earthen Material**” means—
 - (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
 - (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document ‘Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater’, forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
- 8.2 “**Compost Manufacturing Enclosed**” means—
 - (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and

-
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 “**Compost Manufacturing Unenclosed**” means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 “**Landfill**” means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

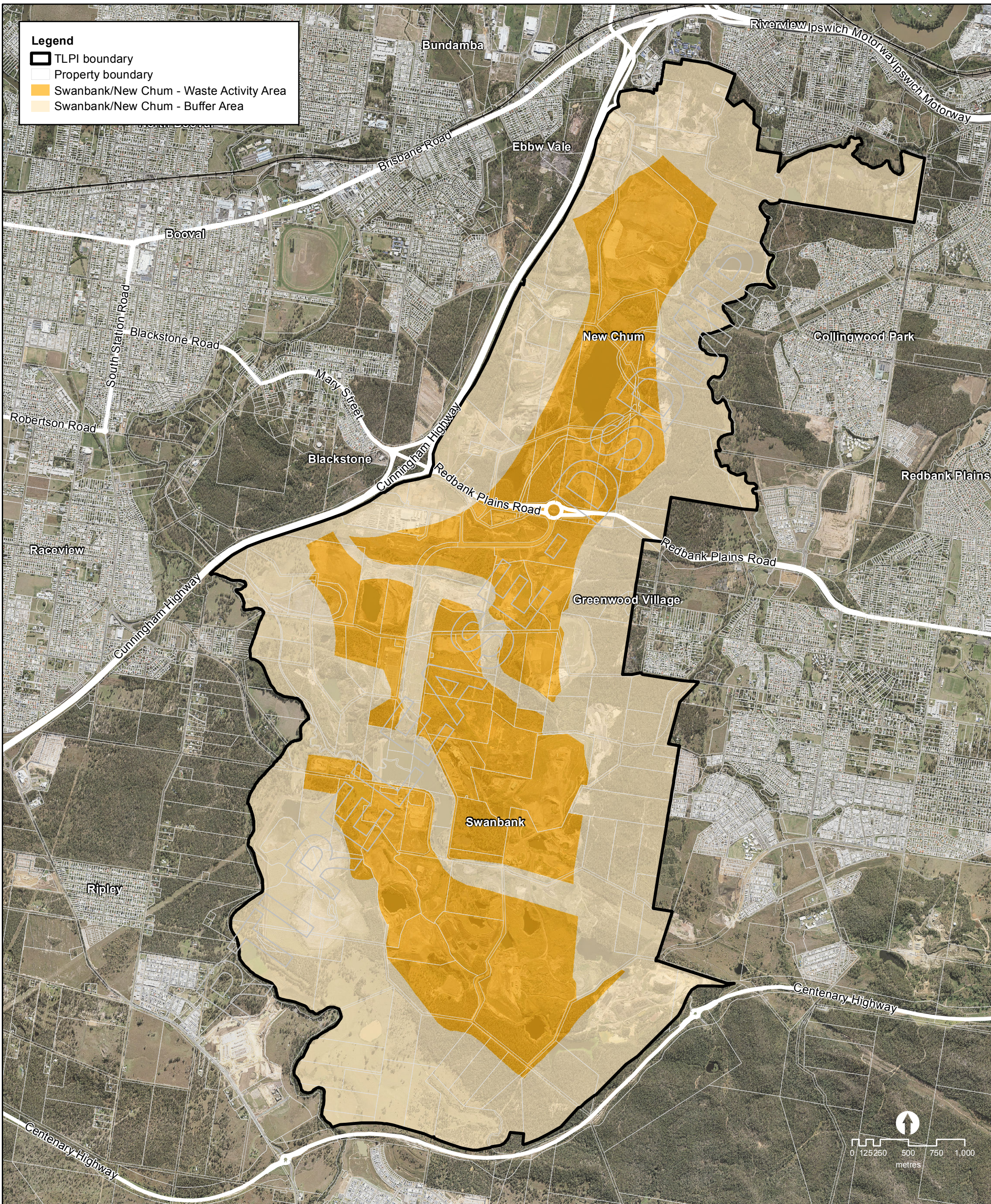
8.5 “**Rehabilitating a mining void**” means–

- (a) the filling of a mining void involving only ‘clean earthen material’.

8.6 “**Waste Activity Use**” means–

the use of premises for waste industry purposes, including but not limited to:

- (a) “Compost Manufacturing Enclosed”;
- (b) “Compost Manufacturing Unenclosed”; and
- (c) “Landfill”;
- (d) “Rehabilitating a mining void”.



ATTACHMENT A - TLPI 01/2018
Swanbank / New Chum Waste Activity Area
Ipswich Planning Scheme 2006

To the extent permitted by law, The Department of State Development, Manufacturing, Infrastructure and Planning gives no warranty in relation to the material or information contained in this data (including accuracy, reliability, completeness or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including indirect or consequential damage) relating to any use of the material or information contained in this Data, and responsibility or liability for any loss or damage arising from its use.



Swanbank / New Chum Waste Activity Code

1. Swanbank / New Chum Waste Activity Code

- (1) The provisions in this section comprise the Swanbank / New Chum Waste Activity Code:
 - compliance with the Swanbank / New Chum Waste Activity Code (section 2);
 - overall outcomes for the Swanbank / New Chum Waste Activity Code (section 3); and
 - specific outcomes for the Swanbank / New Chum Waste Activity Code (section 4).

2. Compliance with the Swanbank / New Chum Waste Activity Code

- (1) Development that is consistent with the overall and specific outcomes in section 3 and section 4, complies with the Swanbank / New Chum Waste Activity Code.

3. Overall Outcomes / Purpose for the Swanbank / New Chum Waste Activity Code

- (1) The overall outcomes are the purpose of the Swanbank / New Chum Waste Activity Code.
- (2) The overall outcomes for the Swanbank / New Chum Waste Activity Code are:
 - (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
 - (b) Waste Activity Uses:
 - (i) do not have a detrimental impact on the amenity of surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the Swanbank / New Chum Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only 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; and
- (2) The use of a premises for a Waste Activity Use involving “Landfill” or “Compost Manufacturing Enclosed” occurs only in the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a 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
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and

-
- (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
 - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) are designed, operated and maintained so that exposed waste is not visible from surrounding residential and other sensitive receiving uses at any time
 - (6) Waste Activity Uses are developed in a manner that:
 - (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
 - (7) Waste Activity Uses are designed, operated and maintained so that:
 - (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive receiving uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby residential and other sensitive receiving uses; and
 - (c) the generation of noise or light overspill does not cause nuisance or disturbance to surrounding and nearby residential and other sensitive receiving uses.

ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
SWANBANK / NEW CHUM BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code
SWANBANK / NEW CHUM WASTE ACTIVITY AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code

ATTACHMENT 2

ADDENDUM TO PLANNING ASSESSMENT REPORT

TEMPORARY LOCAL PLANNING INSTRUMENT No.1 OF 2018 (WASTE ACTIVITY REGULATION) IPSWICH CITY COUNCIL

1. EXECUTIVE SUMMARY

On 3 April 2018, in accordance with your decision in Ministerial Decision Brief MBN18/759 (**Annexure 3**), you gave a Notice to the Chief Executive Officer of the Ipswich City Council (the council) under section 27(2) of the *Planning Act 2010* (the Planning Act), advising of your intent to make a temporary local planning instrument (TLPI) to suspend or otherwise affect the operation of the Ipswich Planning Scheme 2006 (the planning scheme).

In your correspondence to the Chief Executive Officer, you advised the council it had until 5.00pm Thursday 5 April 2018 to provide comment about the intended action. The council provided formal comments (the council's response), at **Annexure 1**, to you, about your intended action, before the stated time.

This Addendum to Planning and Assessment Report (APAR) assesses the council's response and builds on the Planning and Assessment Report (PAR) at Attachment 5 to the Minister Decision Brief MBN18/759.

A summary of the Department's assessment is as follows:

- the additional information provided in the council's response does not materially affect your consideration of the relevant legislative provisions of the Planning Act relating to making a TLPI and taking urgent action as the Planning Minister and it is open to you to:
 - consider that the relevant matters in s27(1) of the Planning Act are established; and
 - decide the matters in s23(1) of the Planning Act are met
- the expansion of the 'area of coverage' to include Willowbank/Ebenezer/Jeebropilly is not supported by sufficient justification and evidence to satisfy the consideration of sections 23 and 27 of the Planning Act and should not be supported
- the inclusion of the existing mining void at Collingwood Park satisfies the consideration of sections 23 and 27 of the Planning Act and should be supported
- the expansion of the buffer distance to 1 kilometre: is not supported by a risk assessment; is well in excess of current Department of Environment and Science guidelines; would likely to adversely affect a State interest; would consequentially not satisfy the consideration of sections 23 and 27 of the Planning Act and should not be supported
- the mapping in Attachment A to the TLPI be amended to include land in the Recreation Zone and the Buffer/Greenspace Zone as shown on Figure 6-7-1 Swanbank New Chum Land Use Concept Master Plan on page 6-15 of the planning scheme.
- the insertion of "or the dewatering of former mines" in section 4(6)(c) in Attachment B of the proposed TLPI seeks to protect surface or ground water quality from adverse harm, meets the consideration of sections 23 and 27 of the Planning Act, and should be supported
- the deletion of "Uses and works do not contribute in any way to geotechnical instability, subsidence or combustion associated with former mining activity" in section 4(8) of the proposed TLPI is not supported by sufficient justification and evidence and should not be supported
- amending the wording of section 4(5)(b) in Attachment B in response to the councils' response be supported
- combining the medium and high impact waste areas in response to the councils' response be supported
- minor editorial changes in response to the councils' response be supported