

SUPPLEMENTARY ITEMS

COUNCIL MEETING ON 24 MARCH 2020

- 1. **OFFICER’S REPORTS:**
 - Temporary Local Planning Instruments No. 1 and No. 2 of 2020 (Waste Activity Regulation) 3

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The Chairperson has determined this matter is of real urgency and approval has been given to refer this report to the Council as a late item.

ITEM: 1.1

SUBJECT: TEMPORARY LOCAL PLANNING INSTRUMENTS NO. 1 AND NO. 2 OF 2020
(WASTE ACTIVITY REGULATION)

AUTHOR: MANAGER, CITY DESIGN

DATE: 12 MARCH 2020

EXECUTIVE SUMMARY

This is a report concerning the adoption of the proposed remade Temporary Local Planning Instruments (TLPs) for the regulation of waste activity uses; Temporary Local Planning Instrument No. 1 of 2020 (cited as TLPI No. 1 / 2020), which regulates waste activity uses in the Swanbank / New Chum waste activity area and Temporary Local Planning Instrument No. 2 of 2020 (cited as TLPI No. 2 / 2020), which regulates waste activity uses in the Ebenezer / Willowbank / Jeebropilly waste activity area.

In accordance with the *Planning Act 2016*, the current TLPs expire this year. Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) expires on 6 April 2020, and Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) expires on 29 May 2020.

On 19 March 2020, Council received correspondence from the Minister for State Development, Manufacturing, Infrastructure and Planning notifying of the Minister's decision to exercise his powers under section 27 of the *Planning Act 2016* (the Planning Act) to make Temporary Local Planning Instrument No. 1 of 2020 (cited as TLPI No. 1 / 2020) for the Swanbank/New Chum waste activity area. The Minister's correspondence also notifies of the Minister's approval to make proposed TLPI No. 2 of 2020 for the Ebenezer / Willowbank / Jeebropilly waste activity area by Council, with an early effective day of 28 January 2020 (Attachment 1 and 2). As the Minister intends to exercise his powers under section 27 of the Planning Act to make TLPI No. 1 of 2020, there is no need for Council to take further action in this regard.

On 11 March 2020, Council also received correspondence from the Minister for Local Government, Racing and Multicultural Affairs approving the remaking of both TLPs as a 'major policy decision' in accordance with the provisions of Section 90(B) of the *Local Government Act 2009*, as exceptional circumstances apply, and it is in the public interest for Council to remake the TLPs during or immediately after the caretaker period for local government elections (2020), to provide policy continuity (Attachment 3). This approval is now only relevant to the making of TLPI No. 2 of 2020 for the Ebenezer / Willowbank / Jeebropilly waste activity area by Council.

RECOMMENDATION/S

That the Interim Administrator of Ipswich City Council resolve:

- A. That Council adopt Temporary Local Planning Instrument No. 2 of 2020 as included in Attachment 4 in accordance with correspondence from the Minister for State Development, Manufacturing, Infrastructure and Planning dated 18 March 2020 approving the making of the instrument.**
- B. That the Manager, City Design, be requested to attend to the relevant matters associated with the implementation of the temporary local planning instrument, including:**
- 1. amending the relevant documents and Council databases;**
 - 2. placement of public notices of the temporary local planning instrument; and**
 - 3. forwarding notification of the adoption of the temporary local planning instrument to the Chief Executive of the Department of State Development, Manufacturing, Infrastructure and Planning pursuant to the provisions of the Planning Act 2016 and the Minister's Guidelines and Rules.**

RELATED PARTIES

State government

On 6 April 2018, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) (cited as TLPI No. 1 / 2018) in accordance with section 27(3) of the *Planning Act 2016*. TLPI No. 1 / 2018 applies to the regionally significant economic area of Swanbank / New Chum. On 18 December 2019, officers from the Department of State Development, Manufacturing, Infrastructure and Planning advised that Council may proceed to forward a proposal to the Minister to remake TLPI No. 1 / 2018.

Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) (cited as TLPI No. 2 / 2018) was made by Council and applies to the area of Ebenezer / Willowbank / Jeebropilly. The two TLPs are identical, apart from their respective areas of influence. To ensure the continuity of existing waste activity use assessment provisions across the entire local government area, extension of both waste activity regulation TLPs is required.

On 28 January 2020, Council resolved to remake TLPI No. 1 / 2018 and TLPI No. 2 / 2018 as TLPI No. 1 / 2020 and TLPI No. 2 / 2020.

In accordance with Council resolution 21C of the meeting of 28 January 2020, correspondence was forwarded to the Minister for State Development, Manufacturing, Infrastructure and Planning on 11 February 2020, requesting permission to adopt the proposed TLPs No. 1 / 2020 and No. 2 / 2020. On 11 February 2020, correspondence was also forwarded to the Minister for Local Government, Racing and Multicultural Affairs in

accordance with Council resolution 21D of the meeting of 28 January 2020, requesting permission to approve the remaking of the TLPs (in accordance with the provisions of Section 90(B) of the *Local Government Act 2009*) during the caretaker period for local government elections (2020), as exceptional circumstances apply.

On 11 March 2020, Council received correspondence from the Minister for Local Government, Racing and Multicultural Affairs notifying Council that the adoption of the TLPs may proceed as a 'major policy decision' during (or immediately after) the caretaker period (Attachment 3).

On 19 March 2020, Council received two pieces of correspondence from the Minister for State Development, Manufacturing, Infrastructure and Planning dated 18 March 2020 (Attachment 1 and 2). The correspondence notified of the Minister's intent to exercise his powers under section 27 of the Planning Act to make TLPI No. 1 of 2020 for the Swanbank/New Chum waste activity area. With these powers being exercised by the Minister, there is no need for Council to take further action with regard to TLPI No. 1 of 2020. The correspondence received on 19 March 2020 also advised of the Minister's approval for Council to make Temporary Local Planning Instrument No. 2 of 2020, with an early effective day of 28 January 2020.

ADVANCE IPSWICH THEME

Managing growth and delivering key infrastructure

PURPOSE OF REPORT/BACKGROUND

Background

Ipswich has experienced substantial growth in the volume of waste being received at various sites throughout the City, and this has in turn generated significant levels of concern in the community regarding waste industry operations, and has raised questions as to the need and appropriateness of the quantity of waste being disposed of in Ipswich.

The occurrence of former open cut mining voids located within the Ipswich local government area has resulted in the establishment of waste activities including landfills and compost manufacturing, particularly in the regional business and industry areas of Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly.

On 6 April 2018, the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning made TLPI No. 1 / 2018. The intent of TLPI No. 1 / 2018 was to take urgent action to ensure that the regionally significant economic area of Swanbank / New Chum is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving land uses from adverse impacts associated with waste activity uses. Subsequently, Council made TLPI No. 2 / 2018 with an early effective day of 29 May 2018 to similarly regulate waste activity uses in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area. Each TLPI suspends and otherwise affects the operation of the provisions contained in the *Ipswich Planning Scheme 2006* to the extent of matters outlined within each TLPI for each of their respective areas.

On 28 January 2020, Council resolved to remake both TLPIs (as TLPI No. 1 / 2020 and TLPI No. 2 / 2020) in order to ensure the continuation of the current regulatory framework during the caretaker period for local government elections (2020), and into the initial period of the new Council administration.

Purpose of Report

Approval to make a major policy decision under exceptional circumstances during the local government election caretaker period has been received from the Minister for Local Government, Racing and Multicultural Affairs (Attachment 3). Correspondence dated 18 March 2020 from the Minister for State Development, Manufacturing, Infrastructure and Planning provides the Minister's approval to make TLPI No.2 of 2020 by Council and also provides Notice to Council that the Minister intends to exercise his powers under the Planning Act to make TLPI No. 1 of 2020 himself (Attachment 1 and 2).

It is recommended that Council adopt TLPI No. 2 of 2020 for the Ebenezer / Willowbank / Jeebopilly Waste Activity Area as contained in Attachment 4.

Public notice

Adoption of TLPI No. 2 of 2020 under the *Planning Act 2016* and Minister's Guidelines and Rules requires Council to publish a public notice:

- in the Queensland Government Gazette;
- in a newspaper circulating in the local government area; and
- on the local government's website.

Accordingly, it is proposed that the public notice for TLPI No. 2 of 2020 be published on the next available publication date of the Queensland Government Gazette following the Council meeting.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

Alignment of waste activity regulation across all waste activity areas

To ensure consistency of assessment requirements for waste activities across the City, it is recommended that the Council adopt TLPI No. 2 of 2020.

Timeframes and available Council meetings

It is considered judicious to act on the Minister for Local Government, Racing and Multicultural Affairs' approval to make TLPI No. 2 of 2020 as a 'major policy decision' during the 2020 local government election caretaker period to ensure both TLPIs are made as soon as practical. The original TLPIs will expire during April and May 2020 and delay in the

approval of the remade TLPIs could encourage a misunderstanding of what is otherwise a clear intent to maintain the current regulatory environment for waste activities.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial or resource implications to Council relating to the adoption of TLPI No. 2 of 2020 for the Ebenezer / Willowbank / Jeebropilly Waste Activity Area.

COMMUNITY AND OTHER CONSULTATION

A temporary local planning instrument under the *Planning Act 2016* suspends or otherwise affects the operation of the planning scheme. The making of a TLPI is intended to protect all or part of a local government area from adverse impacts in urgent or emergent circumstances, and where the delay involved in amending the planning scheme would increase the perceived risk. As a TLPI is not a planning scheme amendment and is temporary in nature, in accordance with the *Planning Act 2016*, there are no requirements for public consultation prior to adoption.

Notwithstanding, public consultation on the new draft planning scheme (which will incorporate contemporary development assessment provisions for waste activity uses) will occur at a later date, enabling formal comment and submissions from the community and waste industry.

CONCLUSION

It is recommended that Council adopt Temporary Local Planning Instrument No. 2 of 2020 as contained in Attachment 4.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1	DSDMIP Ministerial approval to make TLPI No. 2 2020 18 March 2020  
2	DSDMIP Ministerial notification of intent to make TLPI No. 1 2020 18 March 2020  
3	DLGRMA Ministerial approval to make major policy decision 11 March 2020  
4	Proposed TLPI No. 2 / 2020  

Dannielle Owen

MANAGER, CITY DESIGN

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER (PLANNING AND REGULATORY SERVICES)

I concur with the recommendations contained in this report.

David Farmer

CHIEF EXECUTIVE OFFICER

“Together, we proudly enhance the quality of life for our community”

ATTACHMENT 1



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

1 William Street
Brisbane QLD 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7200
Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

Our ref: MC20/663
Your ref: TLPI No. 1 and 2 of 2020

18 March 2020

Mr Steve Greenwood
Interim Administrator
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Email: council@ipswich.qld.gov.au

Dear Mr Greenwood

Thank you for the letter of 11 February 2020 from the Ipswich City Council (the council) requesting consideration of the proposed Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) (TLPI No. 1) and Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) (TLPI No. 2) for the Swanbank/New Chum industrial areas and Ebenezer/Willowbank/Jeebropilly industrial areas respectively.

I understand the importance of regulating waste activities in Ipswich. This is why, on 6 April 2018, I decided to use my powers under section 27 of the *Planning Act 2016* to make TLPI No. 1 of 2018 (Waste Activity Regulation) (TLPI No. 1 of 2018).

Given that I previously made TLPI No. 1 of 2018, that my original reasons for making the TLPI are still current and, noting that the council is currently subject to caretaker provisions, there is an increased urgency in maintaining the effect of TLPI No. 1 of 2018 beyond 6 April 2020. Without such regulation in place for the Swanbank/New Chum industrial area, there is a risk that further development applications for waste activities will be lodged or assessed without the benefit of the additional regulation provided by that TLPI.

Given these circumstances, I have again decided to exercise my powers under section 27 of the *Planning Act 2016* (the Planning Act) to make TLPI No. 1 of 2020 (Waste Activity Regulation). The notice of my decision to make TLPI No. 1 of 2020 will be provided to the council separately.

Because I have taken action under section 27 of the Planning Act to make TLPI No. 1 of 2020, there is no need for the council to take further action in this regard. Accordingly, I have not approved the council making this TLPI. Nonetheless, I wish to acknowledge the council's efforts in taking all reasonable steps to address this matter.

In relation to the Ebenezer/Willowbank/Jeebropilly industrial area, I am pleased to advise that I am satisfied that TLPI No. 2 of 2020 complies with section 23(1) of the Planning Act. I therefore approve the making of the proposed TLPI No. 2 of 2020 by the council.

Additionally, I wish to advise that the council's request for an earlier effective date in accordance with section 9(4) of the Planning Act has been approved. As such, TLPI No. 2 of 2020 will be effective from 28 January 2020, the date the council resolved to make the instrument, and will be valid for a period of up to two years.

The Queensland Government's Waste Management and Resource Recovery Strategy provides the framework to help deliver coordinated, long-term and sustained growth for the recycling and resource recovery sector. I encourage the council, as part of its preparation of a new planning scheme, to establish appropriate assessment benchmarks for waste-related activities, that recognise advances in this sector, including emerging uses and new technology.

If you have any questions about my advice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely



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

cc: Mr David Farmer
Chief Executive Officer
Ipswich City Council
Email: david.farmer@ipswich.qld.gov.au

ATTACHMENT 2



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

Our ref: MBN20/389

1 William Street
Brisbane QLD 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7200
Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

18 March 2020

Mr David Farmer
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

Email: david.farmer@ipswich.qld.gov.au

Dear Mr Farmer

In accordance with section 27(2) of the *Planning Act 2016* (the Planning Act), I hereby give you Notice that I intend to make Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) (the proposed TLPI) effective from the day published in the government gazette.

The proposed TLPI will suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* for the Swanbank/New Chum area. A copy of the proposed TLPI is enclosed.

I consider that urgent action should be taken to protect, or give effect to, a state interest in accordance with 27(1) of the Planning Act. My reasons for taking this action are also enclosed.

If you have any questions about my notice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Cameron Dick".

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

Enc (2)

cc: Mr Steve Greenwood
Interim Administrator
Ipswich City Council
Email: council@ipswich.qld.gov.au

**TEMPORARY LOCAL PLANNING INSTRUMENT No.1 of 2020
(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 / 2020 (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

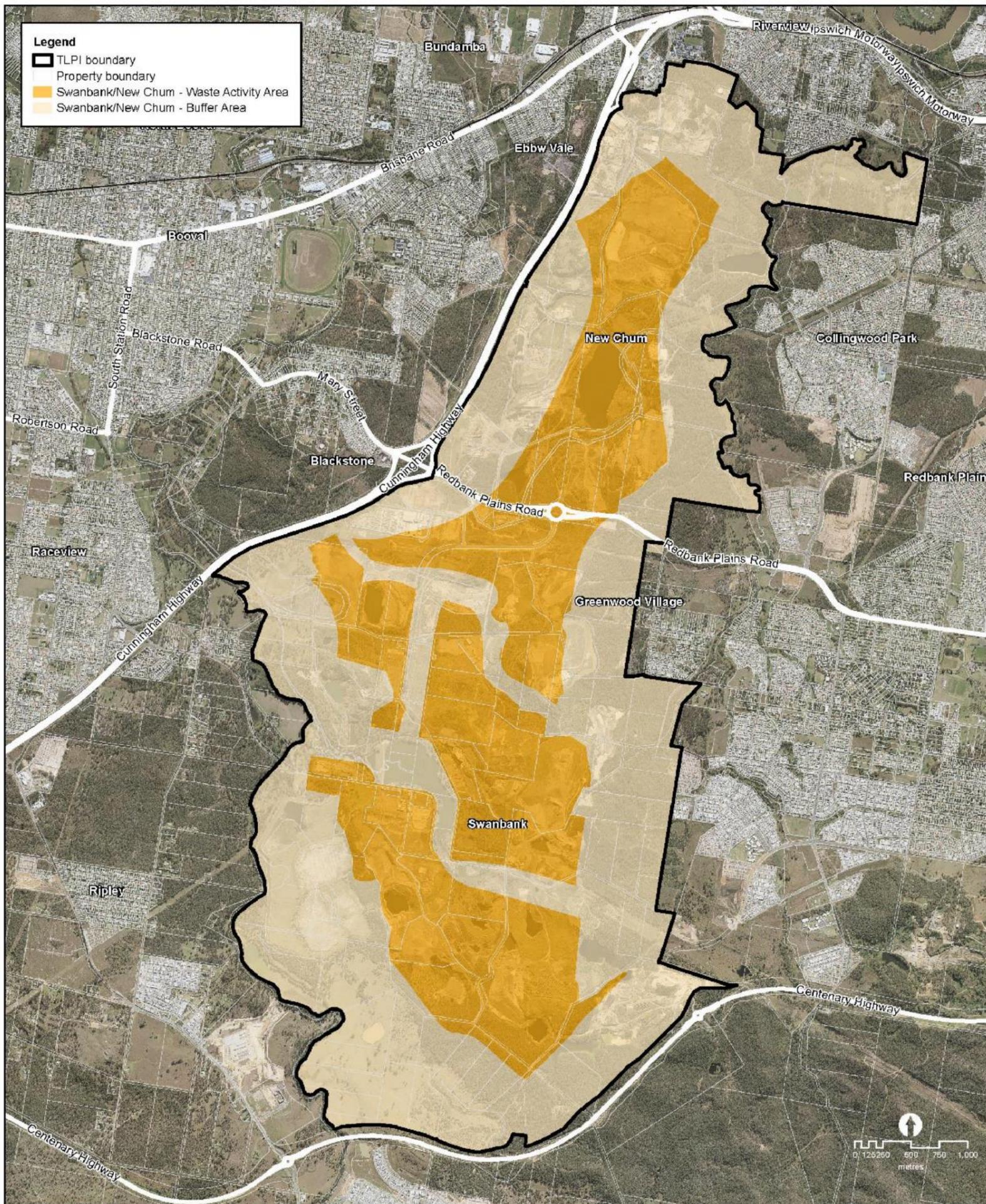
- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes 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 300mm; 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 mining 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:
- (a) “Compost Manufacturing Enclosed”;
 - (b) “Compost Manufacturing Unenclosed”; and
 - (c) “Landfill”; and
 - (d) “Rehabilitating a mining void”.
- 8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.

Department of State Development, Manufacturing, Infrastructure and Planning



ATTACHMENT A - TLPI 01/2020
Swanbank / New Chum Waste Activity Area
Ipswich Planning Scheme 2006

To the extent permitted by law, the Queensland Government, its officers, employees, contractors and service providers do not accept any liability for the accuracy, completeness or suitability of the information contained in this data for any purpose, including, but not limited to, liability in negligence for any loss, damage or costs (including interest or consequential damage) relating to any use of the information contained in this data and the responsibility or liability for any loss or damage arising from its use.



ATTACHMENT B

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.
 - (8) Applications to change or expand an existing Waste Activity Use:
 - (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty, that improved amenity, environmental or community outcomes are able to be achieved; and
 - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

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
OTHER		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT 3



Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs

Our ref: MC20/900

Your ref: TLPI No.1 and TLPI No.2 2020

11 MAR 2020

Mr David Farmer
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4305

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone +61 7 3719 7560
Email lgrma@ministerial.qld.gov.au
Website www.dlgrma.qld.gov.au

ABN 65 959 415 158

Dear David

Thank you for your letter of 11 February 2020 making application for approval to make a major policy decision by the Ipswich City Council during the caretaker period for Local Government elections.

The Council has resolved to remake two Temporary Local Planning Instruments (TLPs) relating to waste activity regulation in the Swanbank and New Chum areas and the Ebenezer, Willowbank and Jeebropilly areas in the form of Temporary Local Planning Instrument No.1 of 2020 (Waste Activity Regulation) and Temporary Local Planning Instrument No.2 of 2020 (Waste Activity Regulation). These two proposed TLPs have been forwarded to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning requesting approval of these TLPs.

You advised that if Minister Dick approves the making of the TLPs, the Council must then decide to adopt or not to proceed with the proposed TLPs. Due to the timing of the expiration of the TLPs and the timing of the election, such decision by the Council is likely to occur during the caretaker period for the Council elections being held on 28 March 2020.

Your letter outlined the Council's reasons as to why the decision to make the new TLPs during caretaker was an exceptional circumstance and was in the public interest. I accept that reasoning and in accordance with section 90B of the *Local Government Act 2009*, I approve the Council's application to make Temporary Local Planning Instrument No.1 of 2020 (Waste Activity Regulation) and Temporary Local Planning Instrument No.2 of 2020 (Waste Activity Regulation) during the caretaker period, subject to the condition that such TLPs first receive approval from Minister Dick.

If you require any further information, please contact Ms Kate Adams, Chief of Staff in my office on 3719 7560.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Stirling Hinchliffe".

STIRLING HINCHLIFFE MP
Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs

cc: The Honourable Cameron Dick MP
Minister for State Development, Manufacturing, Infrastructure and Planning

ATTACHMENT 4

TEMPORARY LOCAL PLANNING INSTRUMENT No. 2 of 2020 (WASTE ACTIVITY REGULATION)

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 2 / 2020 (Waste Activity Regulation).

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to landfill and waste industry uses occurring in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 2.2 This TLPI seeks to balance economic interests against social and environmental interests, at significant risk of being impacted by the current and expected waste activity proposals in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 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 Ebenezer / Willowbank / Jeebropilly 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 (including major events and motorsports 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 Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Ebenezer / Willowbank / Jeebropilly Buffer Area or Ebenezer / Willowbank / Jeebropilly 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) "Ebenezer / Willowbank / Jeebropilly Buffer Area"; and
 - (ii) "Ebenezer / Willowbank / Jeebropilly 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 "Ebenezer / Willowbank / Jeebropilly 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 7 April 2020.
- 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 Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map in **Attachment A**.

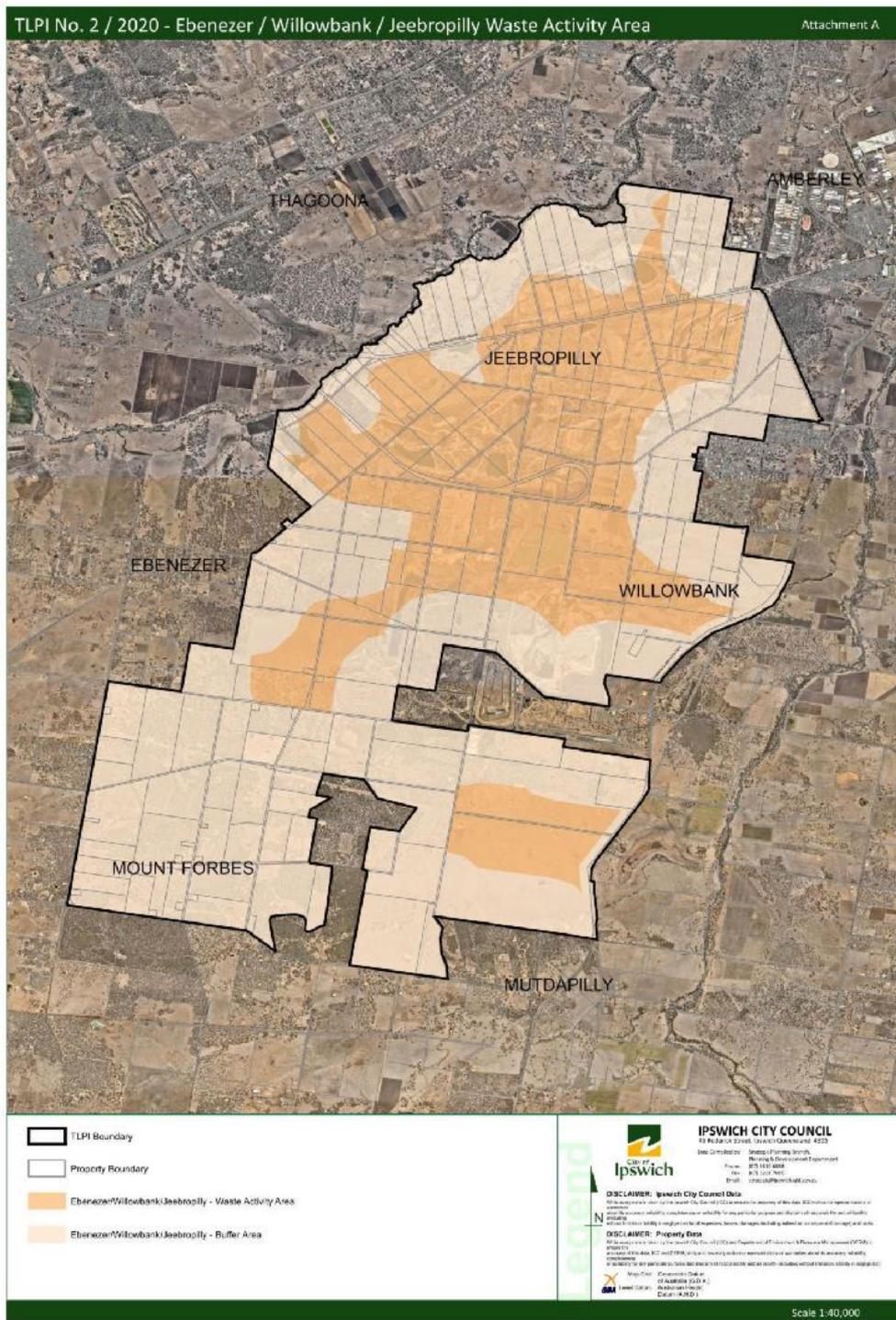
PART 7 – EFFECT OF THE TLPI

- 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 "Ebenezer / Willowbank / Jeebropilly 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 300mm; 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 mining 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:
- (a) “Compost Manufacturing Enclosed”;
 - (b) “Compost Manufacturing Unenclosed”;
 - (c) “Landfill”; and
 - (d) “Rehabilitating a mining void”.
- 8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.

Attachment A – Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map



ATTACHMENT B

Ebenezer / Willowbank / Jeebropilly Waste Activity Code

1. Ebenezer / Willowbank / Jeebropilly Waste Activity Code

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

2. Compliance with the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

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

3. Overall Outcomes / Purpose for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

- (1) The overall outcomes are the purpose of the Ebenezer / Willowbank / Jeebropilly Waste Activity Code.
- (2) The overall outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code are:
- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Ebenezer / Willowbank / Jeebropilly 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 (including major events and motor sports uses); and
 - (ii) do not have a significant impact on visual amenity from residential and other sensitive receiving uses (including major events and motor sports 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 (including major events and motor sports uses); and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly 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 Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly 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 Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly 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 (including major events and motor sports 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 (including major events and motor sports 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 (including major events and motor sports 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 (including major events and motor sports uses).
- (8) Applications to change or expand an existing Waste Activity Use:
- (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty that improved amenity, environmental or community outcomes are able to be achieved;
 - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

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
EBENEZER / WILLOWBANK / JEEBROPILLY 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) Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
EBENEZER / WILLOWBANK / JEEBROPILLY 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) Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
OTHER		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme