

STATEMENT OF REASONS

TEMPORARY LOCAL PLANNING INSTRUMENT NO. 1 of 2020

Planning Act 2016

Schedule 3 of the Minister's Guidelines and Rules July 2017

Local government making decision

1. The Ipswich City Council is the local government making the decision in respect of which this statement of reason relates.

Public office of the local government

2. The public office of the local government is 45 Roderick Street, Ipswich.

Decision in respect of which the statement of reasons is prepared

3. The decision in respect of which the statement of reasons relates is the decision of the local government to propose to make a temporary local planning instrument (TLPI) to affect the operation of the local government's Planning Scheme¹ to:
 - (a) further regulate proposals for new and expanding waste activity uses;
 - (b) protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts associated with waste activities; and
 - (c) make proposals involving new or expanding waste activities that are inconsistent with the outcomes sought by the TLPI undesirable development that is unlikely to be approved.

Requirement for the statement of reasons

4. The local government is required pursuant to *Schedule 3 – Required Material* of the *Ministers Guidelines and Rules* (MGR) under the *Planning Act 2016* (Planning Act) to give the Minister a copy of the proposed TLPI that the local government proposes together with a statement of why the local government proposes to make the TLPI and how the proposed TLPI complies with section 23 of the Planning Act.

¹ The Planning Scheme for the Ipswich Local Government Area 2006

Background to the decision of the local government

5. The local government has identified the following matters as being relevant to the making of the decision:
- (a) 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.*
 - (b) The growth in waste disposal currently being experienced in Ipswich has resulted in highly negative media labelling Ipswich as the ‘dump capital’ of Australia, and raised questions as to the need and appropriateness of this waste being disposed of in Ipswich.
 - (c) The Swanbank / New Chum regionally significant industrial area contains several residual mining voids and existing regional waste activity facilities proximate to sensitive receiving land uses, and it is anticipated that development applications for new or expanding waste activities within remnant mining voids may continue to be lodged with Council.
 - (d) Continued application of the current TLPI (in conjunction with the Planning Scheme) to new and expanding waste activity uses in the Swanbank / New Chum industrial area is necessary to ensure the continued protection of residential and other sensitive receiving land uses from adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity).
 - (e) 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) on 6 April 2018 in accordance with section 27(3) of the *Planning Act* 2016, to further regulate waste activity uses within the Swanbank / New Chum industrial area. TLPI No.1 / 2018 will expire on 6 April 2020.
 - (f) The Ebenezer / Willowbank / Jeebropilly industrial area presents comparable risks to those of the Swanbank / New Chum industrial area. The remaking of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation), which applies to the Ebenezer / Willowbank / Jeebropilly area, ensures a consistent approach to the regulation of waste activity uses for all areas within the City that are at risk of further waste activity development (and are in proximity to residential and other

sensitive uses), and a request to remake the Ebenezer / Willowbank / Jeebropilly TLPI will also be forwarded to the Minister prior to expiration of TLPI No.2 / 2018.

- (g) The process to make a permanent amendment to the planning scheme is estimated to take around 350 business days (70 weeks / 1 year and 4.5 months) to complete in accordance with the State government's *Guidance for the Minister's Guidelines and Rules* July 2017. Remaking of TLPI No.1 / 2018 as Temporary Local Planning Instrument No.1 of 2020 is necessary to continue the current regulatory framework during the development of a new planning scheme for the Ipswich City area, which will include new provisions for waste activity regulation.
- (h) State interests would not be adversely affected by the proposed TLPI. Implementation of the TLPI will ensure that waste activities are appropriately located, designed and managed to protect sensitive receiving uses and the environment from adverse impacts associated with waste activity uses.

Material considered in making the decision

- 6. The local government considered the following material in arriving at the decision to propose the temporary local planning instrument:
 - (a) planning material being:
 - (i) the local government's Planning Scheme; and
 - (ii) the matters stated in section 23 of the *Planning Act 2016*; and
 - (iii) Schedule 3 – Required Material for making or amending a TLPI under Chapter 2, Part 2 of the *Minister's Guidelines and Rules* July 2017; and
 - (b) legislation being the:
 - (i) *Local Government Act 1993*; and
 - (ii) *Planning Act 2016*; and
 - (iii) *Acts Interpretation Act 1954*.
 - (c) The introduction of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) on 6 April 2018, applicable to the Swanbank / New Chum waste activity area.
 - (d) The introduction of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation), applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area (effective date 29 May 2018).

Reasons for making the decision

- 7. The local government has made the decision to avoid a significant risk of serious adverse environmental and social conditions, and for the following reasons:

- (a) continuing to implement the further regulation of new and expanding waste activity uses in the Swanbank / New Chum industrial area is necessary to ensure the appropriate protection of residential and other sensitive receiving land uses from the negative adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity);
- (b) the lengthy timeframe associated with undertaking a permanent planning scheme amendment does not afford the same regulatory protection for the community in the period before adoption, and could result in long term implications for Council (such as adverse social and environmental impacts on the community and economic consequences);
- (c) delaying or failing to implement the proposed further regulation of waste activities in the Swanbank / New Chum industrial area has the propensity to result in further negative media for the City as the 'dump capital' of Australia; and
- (d) to ensure consistent and equitable regulatory provisions for regionally significant industrial areas that contain residual historic mining voids and regional waste activity facilities, and are at risk of application for new or expanding waste activity uses proximate to residential and other sensitive receiving uses.