



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

Our ref: MBN20/389

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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", followed by a horizontal line.

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”

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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**.

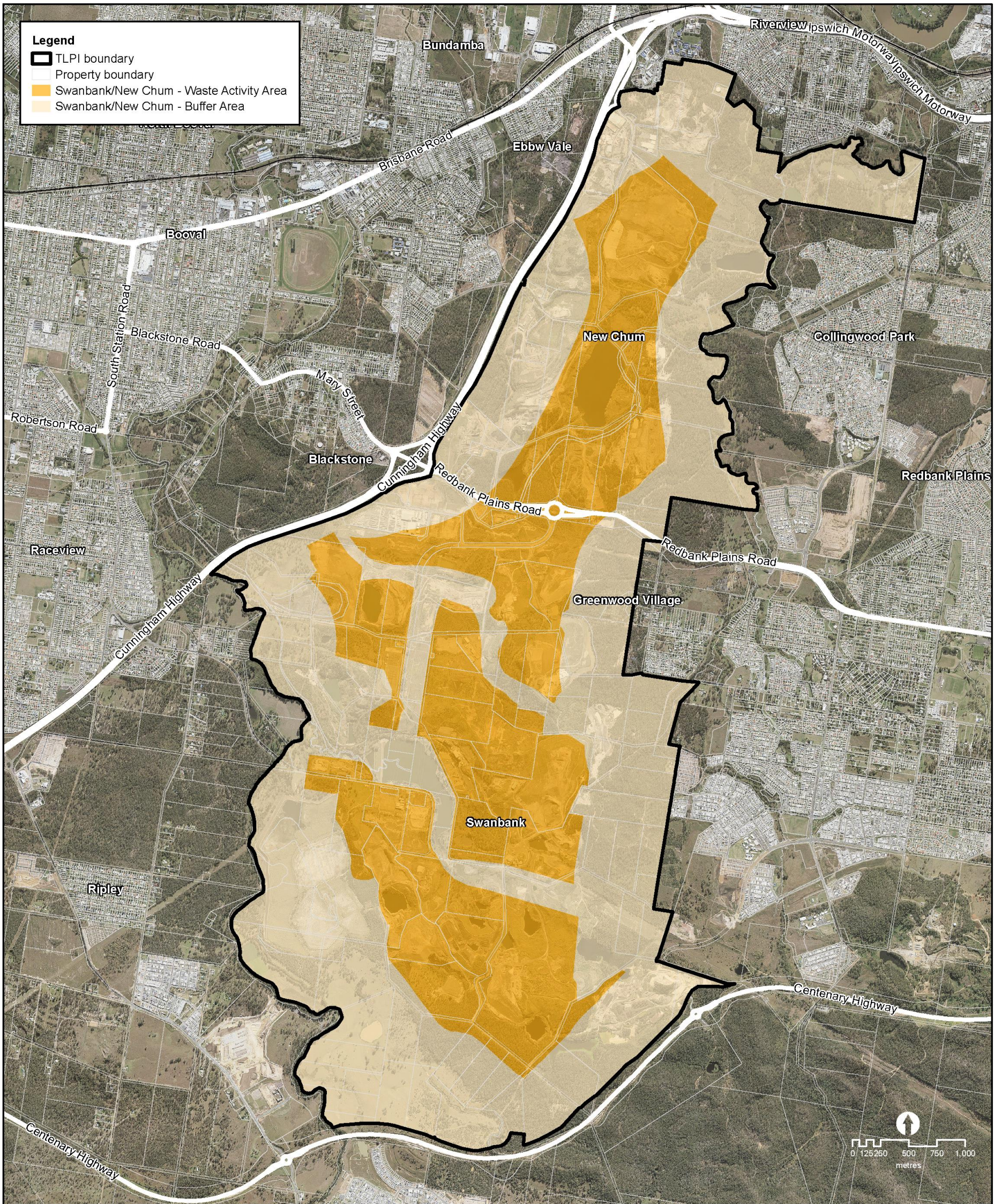
PART 7 – EFFECT OF THE TLPI

- 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

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- (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.



ATTACHMENT A - TLPI 01/2020
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

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- (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