



## STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

### APPLICANT DETAILS

Applicant name: Cleanaway Solid Waste Pty Ltd  
C/- Wolter Consulting Group Pty Ltd

### APPLICATION DETAILS

Application number: 4502/2018/MCU  
Application type: Material Change of Use  
Approval sought: Development Permit

Description of proposed development:

- Waste Activity Use involving Landfill in the Swanbank/New Chum Buffer Area (formally referred to as Waste Activity Use other than involving Rehabilitating a Mining Void in the Swanbank/New Chum Buffer Area);
- Waste Activity Use involving Landfill in the Swanbank/New Chum Waste Activity Area;
- Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Swanbank/New Chum Waste Activity Area and the Swanbank/New Chum Buffer Area including operating a facility for disposing of only general waste or limited regulated waste if the facility receives waste at the rate of 50 tonnes or more a year;
- Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Swanbank/New Chum Waste Activity Area and the Swanbank/New Chum Buffer Area including waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year;
- Waste Activity Use involving Crushing, milling or grinding (Special Industry) in the Swanbank/New Chum Waste Activity Area and the Swanbank/New Chum Buffer Area including screening, washing, crushing, grinding, milling, sizing or separating in works producing 5,000 tonnes or more per year.
- Environmentally Relevant Activity (ERA) 33 (Crushing, milling, grinding or screening: Crushing, grinding, milling or screening more than 5,000t of material in a year);
- Environmentally Relevant Activity (ERA) 60 (Waste Disposal: 2: Operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection 1(b) - (h) more than 200,000t); and
- Environmentally Relevant Activity (ERA) 62 (Waste Transfer

Station operation: operating on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30 cubic metres of waste on any day.

Level of Assessment: Impact

## **SITE DETAILS**

Street address: 20 Rhondda Road and 100 Chum Street, NEW CHUM 4303

Real property description: Lot 268 SP 103913 and Lot 227 SP 103913

## **DECISION**

Date of decision: 28 October 2019

Decision: Refused

Decision Authority: Full Council

### **1. Reasons for the Decision:**

The reasons for this decision are:

- (a) Approval of the development application will not advance the purpose of the Planning Act 2016, in particular:
- (i) *Planning Act 2016*, section 5(2)(a)(i) – It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that the proposal takes into account short and long-term environmental effects at local, regional, State and wider levels; and
  - (ii) *Planning Act 2016*, section 5(2)(a)(ii) – It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that the proposal applies the precautionary principle in taking measures to prevent degradation of the environment; and
  - (iii) *Planning Act 2016*, section 5(2)(a)(iii) – It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that the proposal provides equity between present and future generations; and
  - (iv) *Planning Act 2016*, section 5(2)(g) - It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that the proposal encourages investment, economic resilience and economic diversity, particularly with respect to sustainable waste management practices; and
  - (v) *Planning Act 2016*, section 5(2)(i) - It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that the proposal applies amenity, conservation, energy use, health and safety in the built environment in ways that are cost-effective and of public benefit.
- (b) Approval of the development application is inconsistent with expressed planning principles that promote ecological sustainability and seek to reduce the need for landfill and maximise recycling, and in particular:
- (i) the *South East Queensland Regional Plan 2009 – 2031* (2009 Regional Plan): Desired Regional Outcomes 1 and 2 and 10.7; and
  - (ii) the *South East Queensland Regional Plan 2017* (2017 Regional Plan): Theme 4 – Sustain.

- (c) Approval of the development application would thwart the expressed planning intention that the land be rehabilitated so that, at some time in the future, the land can be used for purposes anticipated and promoted by the *Ipswich Planning Scheme 2006 (Planning Scheme)*:
- (i) the *Planning Scheme*, sections 6.6(2)(a), 6.6(2)(g), 6.14(2)(j) and 6.15(15)(d); and
  - (ii) the *Ipswich Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) (TLPI): Swanbank / New Chum Waste Activity Code* – Overall Outcomes 3(2)(b)(v) and Specific Outcomes 4(2), 4(4)(a), 4(4)(b), 4(4)(c).
- (d) It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that approval of the development application will result in an acceptable visual outcome:
- (i) the *State Planning Policy – July 2017 (2017 SPP): State interest – liveable communities Policy* (1)(e) and (3)(a);
  - (ii) the *Planning Scheme*: sections 6.15(1)(e), 6.15(15)(i)(i)-(iii), 6.16(2)(a)(iv)(F), 6.16(2)(b)(ii), 12.7.3(2)(a)(ii), 12.7.3(2)(a)(iv), 12.7.3(2)(a)(vii) and 12.7.7(2)(b); and
  - (iii) the *TLPI No. 1 of 2018: Part 2.3 and Swanbank / New Chum Waste Activity Code* – Overall Outcomes 3(2)(b)(i), 3(2)(b)(ii), 3(2)(b)(iv), 3(2)(b)(v) and Specific Outcomes 4(4)(a), 4(4)(b), 4(4)(c), and 4(5)(a), 4(5)(b).
- (e) It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that approval of the development application will result in an acceptable general amenity outcome:
- (i) the 2017 SPP: State interest – liveable communities Policy (1)(e);
  - (ii) the 2009 Regional Plan: Desired Regional Outcomes 1 and 10.7;
  - (iii) the 2017 Regional Plan: Theme 4 – Sustain and Theme 5 – Live;
  - (iv) the *Planning Scheme*: Desired Environmental Outcomes 3.1(3)(j) and 3.2(1)(j), sections 6.6(2)(c), 6.6(2)(h), 6.6(2)(i), 6.14(2)(a), 6.14(2)(f)(ii), 6.14(2)(j), 6.14(2)(k), 6.15(2)(c)(iv), 6.16(2)(a)(iv)(F), 6.17(2)(t) because of the scale proposed, 12.7.3(2)(a)(i), 12.7.3(2)(a)(vii), 12.7.4(1), 12.7.7(1)(e) and 12.7.7(1)(f); and
  - (v) the *TLPI No. 1 of 2018: Parts 2.3 and 3.1, Swanbank / New Chum Waste Activity Code* - Overall Outcomes 3(2)(a), 3(2)(b)(i) and 3(2)(b)(iv) and Specific Outcomes 4(5)(a), 4(6)(a) and 4(7)(a).
- (f) It has not been sufficiently demonstrated (and may not be able to be sufficiently demonstrated) that approval of the development application will result in an acceptable environmental outcome having regard to matters of environmental management in relation to stormwater, groundwater and the proposed landscaping treatment:
- (i) the 2017 SPP: State interest – liveable communities Policy (3)(a), State interest – water quality Policy (1), (3)(a), (3)(d), (5)(a) and (5)(b);
  - (ii) the 2009 Regional Plan: Desired Regional Outcomes 2 and 11;

- (iii) the 2017 Regional Plan: Goal 4 – Sustain, Element 5 – Water sensitive communities;
- (iv) the Planning Scheme: Desired Environmental Outcomes 3.1(3)(b) and 3.2(1)(b) and sections 6.7(2)(a), 6.15(2)(c)(iv), 12.7.3(2)(b); and
- (v) the TLPI No. 1 of 2018: *Swanbank / New Chum Waste Activity Code* – Overall Outcome 3(2)(b)(iii), Specific Outcomes 4(6)(a), 4(6)(c) and 4(6)(d).
- (g) To the extent relevant and in light of the matters set out above at 1(a) – 1(e), there are no relevant matters, including but not limited to need, that are sufficient to warrant approval of the development application for the proposal.
- (h) The development application cannot be appropriately conditioned to address the above matters.

## 2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10	Part 3, division 3 – Clearing native vegetation Part 5, division 3 – Environmentally Relevant Activities Part 7, division 2 – Hazardous chemical facilities
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	Desired Environmental Outcomes and Performance Indicators (Part 3) Urban Areas Code (Part 4) City Centre Code (Part 5) Regionally Significant Business and Industry Areas Code (Part 6) Development Constraints Overlays Code (Part 11, division 4) Vegetation Management Code (Part 12, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Local Government Infrastructure Plan (Part 13) Planning Scheme Policy 3 General Works Planning Scheme Policy 5 Infrastructure Implementation Guideline No. 24 Stormwater Management Implementation Guideline No. 25 New Chum Enterprise Area Planning Study Implementation Guideline No. 28 Dispersive Soil Management.
Temporary Local Planning Instrument	Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation)

**3. Compliance with Benchmarks**

An assessment of the application has been carried out in accordance with section 45 of the *Planning Act 2016*. The application does not comply with the relevant assessment benchmarks and the application has been refused for the reasons outlined in Item 1 – Reasons for the Decision.

**4. Relevant matters for development subject to impact assessment**

Not applicable.

**5. Matters raised in submissions for development subject to impact assessment**

The following is a description of the matters raised in any submissions and how they were dealt with:

<b>Matters raised - Objections</b>	<b>How matters were dealt with in reaching a decision</b>
<b>Traffic/Transport</b> <ul style="list-style-type: none"> <li>▪ Increase in traffic movements (including heavy vehicles) on local roads and highways.</li> </ul>	<p>The submissions received are common material for the application and have been considered as part of the application assessment.</p> <p>While a number of matters raised could be resolved through reasonable and relevant conditions, there are certainly matters for which Council agrees with the submitters concerns. In conclusion the development cannot be appropriately conditioned to address all matters raised and there are insufficient grounds to justify the decision to approve the development.</p> <p>The application has been refused for the reasons outlined in Item 1 – Reasons for the Decision.</p>
<b>Air Pollution and Odours</b> <ul style="list-style-type: none"> <li>▪ Landfill operations generate unacceptable levels of dust (including asbestos), toxic smoke (from fires) and odour with limited or non-existent management strategies.</li> <li>▪ Insufficient air pollution and odour monitoring and reporting.</li> <li>▪ Concern with landfill gas impacts post closure and up to 30 years post closure (including risk of explosion and/or asphyxiation).</li> <li>▪ Concerns with veracity of submitted reporting.</li> <li>▪ Increases health risks for nearby residents.</li> </ul>	
<b>Noise pollution</b> <ul style="list-style-type: none"> <li>▪ Proposal generates noise pollution from traffic and heavy machinery on site.</li> </ul>	
<b>Water/Soil Pollution</b> <ul style="list-style-type: none"> <li>▪ Release of contaminants from the landfill pollutes underground water and soil.</li> <li>▪ Water pollution from leachate and stormwater runoff from the landfill facility.</li> <li>▪ Water pollution through increased erosion.</li> <li>▪ Insufficient water/soil pollution monitoring and reporting including post closure.</li> <li>▪ Concern with long-term leaking of toxic leachate post closure owing to failure of landfill liners.</li> <li>▪ No clear contamination event remediation plan/policy.</li> <li>▪ Proposed leachate water management provides insufficient detail to demonstrate efficacy.</li> </ul>	
<b>Health Impacts</b> <ul style="list-style-type: none"> <li>▪ Increased health hazards to the community.</li> <li>▪ Waste streams accepted on site include asbestos and other toxic materials resulting in release of airborne harmful asbestos particles.</li> </ul>	

<p><b>Site Rehabilitation Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Landfill consisting of waste is not appropriate as rehabilitation material for mining voids.</li> <li>▪ Application does not demonstrate the project's ecological sustainability.</li> </ul>	
<p><b>Increased landform height and loss of amenity</b></p> <ul style="list-style-type: none"> <li>▪ The proposal will be a visual eyesore during and post operation.</li> <li>▪ Proposal creates an unappealing engineered mountain.</li> <li>▪ Loss of existing visual beauty of the area.</li> <li>▪ Loss of views to D'Aguilar Range and Great Dividing Range.</li> <li>▪ Increased lifespan of facility extends impact on residents.</li> </ul>	
<p><b>Impact on Wildlife</b></p> <ul style="list-style-type: none"> <li>▪ Increased noise and pollution affects the wildlife in the vicinity.</li> <li>▪ Proposed expansion will disrupt populations of protected fauna including koalas, echidnas, grey-headed flying foxes, greater gliders, platypii and Powerful Owl.</li> <li>▪ Proposed expansion will disrupt populations of Red Goshawks and Rufous Fantails.</li> </ul>	
<p><b>Impact on Protected Vegetation</b></p> <ul style="list-style-type: none"> <li>▪ Proposed expansion will disrupt populations of protected flora including the Cooneana Olive, Lloyd's Olive and Slender Milk Vine.</li> </ul>	
<p><b>Create Stormwater and Flooding Issues</b></p> <ul style="list-style-type: none"> <li>▪ Increase in stormwater flows to Void 10 causing changes to the hydrology of the area and impacts on current environmental values.</li> <li>▪ Increased turbidity within Six Mile Creek owing to erosion and stormwater runoff.</li> <li>▪ Increased stormwater flows could exacerbate existing flooding within Riverview.</li> </ul>	
<p><b>Ground/Underground Stability</b></p> <ul style="list-style-type: none"> <li>▪ Increase in height coupled with unreliable mine mapping, uncertain stability and poor understanding of the location of mine workings (including underground heating and subsidence) increases risk of future environmental damage should a geotechnical failure occur.</li> </ul>	
<p><b>Economic Need</b></p> <ul style="list-style-type: none"> <li>▪ Concerns with veracity of economic needs reporting.</li> </ul>	
<p><b>Incompatible with the locality</b></p> <ul style="list-style-type: none"> <li>▪ The general locality has been and is intended for the purposes of regionally significant commercial and industrial uses and the proposal sterilises the subject land from these uses.</li> </ul>	
<p><b>Cost implications to the community</b></p> <ul style="list-style-type: none"> <li>▪ The proposal does not bring any positive benefit to the area rather bring undesirable consequences to the area.</li> <li>▪ Shall have adverse social and economic impacts on the community.</li> </ul>	

<p><b>Proximity to residential areas</b></p> <ul style="list-style-type: none"> <li>▪ The proposal represents an incompatible use with the growing residential areas surrounding New Chum.</li> <li>▪ Proposal within 2km to schools and homes</li> </ul>	
<p><b>Poor community consultation</b></p> <ul style="list-style-type: none"> <li>▪ Application material does not include adequate and appropriate information for public to fully understand the project.</li> <li>▪ Misleading information circulated about the rehabilitation of Void 10 as Community Open Space.</li> <li>▪ Insufficient time to review complex application prior to deadline to make submission.</li> </ul>	
<p><b>Lack of trust in waste operators</b></p> <ul style="list-style-type: none"> <li>▪ General concern with waste operators' history of non-compliance.</li> <li>▪ Concern with CleanAway's track record of non-compliance with permit conditions including overfilling and unsorted waste allowing escape of pollutants including asbestos, reclassification of interstate waste as local waste.</li> </ul>	
<p><b>Property Values</b></p> <ul style="list-style-type: none"> <li>▪ Leads to decrease in property values of nearby residential properties.</li> </ul>	
<p><b>Ipswich becoming waste capital</b></p> <ul style="list-style-type: none"> <li>▪ The proposal predominantly caters for waste generated outside of Ipswich LGA including other States of Australia.</li> <li>▪ No justified benefit to the residents of Ipswich.</li> </ul>	
<p><b>Social impact and stigma</b></p> <ul style="list-style-type: none"> <li>▪ Concentrated large scale waste dumps will impact on the reputation of the area.</li> <li>▪ The locality shall be dis-reputed as the 'dumping capital' of South East Queensland and Australia.</li> </ul>	
<p><b>Non-compliance with relevant policies</b></p> <ul style="list-style-type: none"> <li>▪ Non-compliant with the Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation).</li> <li>▪ Non-compliance with State Government Guidelines on siting landfill (500m from noise, dust or odour sensitive place or less than 100m from an unstable area).</li> <li>▪ Non-compliance with the purpose of the <i>Planning Act 2016</i>.</li> <li>▪ Non-compliance with the <i>Planning Regulation 2017</i>.</li> <li>▪ Non-compliance with the <i>Ipswich Planning Scheme 2006</i>.</li> </ul>	

<b>Matters raised - Support</b>	<b>How matters were dealt with in reaching a decision</b>
<p><b>Essential Service</b></p> <ul style="list-style-type: none"> <li>▪ Landfill provides essential waste disposal services for local businesses;</li> <li>▪ Limited landfill capacity available in Ipswich/greater Brisbane area is problematic for long-term waste disposal needs.</li> </ul>	<p>The submissions received are common material for the application and have been considered as part of the application assessment.</p>
<p><b>Increased operational expenses</b></p> <ul style="list-style-type: none"> <li>▪ Alternative disposal arrangements are likely to incur</li> </ul>	<p>Despite a review of the</p>

<p>increased transport costs and transport kilometres and as a result increased carbon emissions.</p>	<p>matters raised in support of the application Council still has significant concerns that the proposal cannot be appropriately conditioned to address all matters raised and there are insufficient grounds to justify the decision to approve the development. As such the proposal has been refused for the reasons outlined in Item 1 – Reasons for the Decision.</p>
<p><b>Convenient location</b></p> <ul style="list-style-type: none"> <li>▪ The subject facility is conveniently located to the industries it services with good heavy vehicle access.</li> <li>▪ Limited local roads travel is required to access the facility.</li> </ul>	
<p><b>Trustworthy Operator</b></p> <ul style="list-style-type: none"> <li>▪ The subject facility has a proven track record of being quality, efficient and compliant waste disposal service.</li> <li>▪ The subject facility operates with well-established quality systems and processes.</li> <li>▪ The subject facility operates in accordance with the license obligations set by the Department of Environment and Science.</li> <li>▪ Continued operational improvement witnessed on subsequent public open days.</li> </ul>	
<p><b>Environmental responsibility</b></p> <ul style="list-style-type: none"> <li>▪ The subject facility employs a cell system that utilises layers of liner and drainage systems to protect the waste from negatively interacting with the environment.</li> </ul>	
<p><b>Employment generator</b></p> <ul style="list-style-type: none"> <li>▪ The subject facility employs more than 25 personnel and supports a number of contractors.</li> </ul>	
<p><b>Economic contributor</b></p> <ul style="list-style-type: none"> <li>▪ The subject facility is a large contributor of rates and taxes to the State and local Ipswich economy.</li> </ul>	
<p><b>Increased landform height</b></p> <ul style="list-style-type: none"> <li>▪ The proposed landform height is less than the surrounding topography.</li> </ul>	
<p><b>Rehabilitation outcomes</b></p> <ul style="list-style-type: none"> <li>▪ The operator plans to progressively rehabilitate the landfill and its buffer areas which is beneficial to improve this former open cut coal mining area.</li> </ul>	
<p><b>Corporate citizen</b></p> <ul style="list-style-type: none"> <li>▪ The operator supports a number of sporting and cultural organisations through the Cleanaway New Chum Community Benefit Scheme in the greater New Chum area including Blackstone, Bundamba, Ebbw Vale, Dinmore, Riverview, Redbank, Collingwood Park and Woodlinks.</li> <li>▪ Approximately \$200,000 of financial support over 4 years.</li> </ul>	