PSA CONSULTING AUSTRALIA

Third Party Peer Review of Development Application

Cleanaway Development Application - 100 Chum Street and 20 Rhondda Road, New Chum (Lot 268 on SP103913 & Lot 227 on SP103913)

City of Ipswich

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EXECUTIVE SUMMARY

The purpose of this report is to provide an independent third-party peer review of the development application (Council Ref: 4502/2018/MCU) seeking a Development Approval for a Material Change of Use (MCU) and Environmentally Relevant Activities (ERA)(refer to Section 2.3 for further details), on land at 100 Chum Street and 20 Rhondda Road, New Chum, being Lot 268 on SP103913 & Lot 227 on SP103913. This independent third-party peer review is being undertaken at the request of Ipswich City Council.

This report provides a high-level summary assessment of the application against the applicable legislation and statutory provisions, including the relevant provisions of the *South East Queensland Regional Plan 2017-2041, State Planning Policy 2017*, *Ipswich Planning Scheme 2006* and *Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation)*. It also addresses the specific instructions set by Council, who requested that the following questions be considered:

1. Whether you agree with the officer recommendation?

2. What are the key planning provisions?

3. What are the key issues (whether that be assessment against planning provisions or other relevant matters etc.) that you think the decision turns on?

4. Has the developer provided adequate information in relation to those key issues? (i.e. do you need any more information to undertake the peer review, or reach a concluded opinion on any matter?)

5. What are the issues/planning provisions that are relevant to and support the decision, but are not necessarily decisive? Do these matters result in cumulative issues/impacts that also support the decision?

6. Are there any reasons for the decision that you do not agree with? If so, why?

7. Are there any additional reasons for decision that you think should be included in the decision notice? If so, what are they and why?

The following documents prepared by Ipswich City Council were provided to PSA Consulting, which have been relied upon in preparing this third-party peer review:

- Statement of Reasons (Ref:4502/2018/MCU;AB)
- Agenda Planning Report (Doc ID No:A5818286)

The initiation of all enquiries and discussions has been made directly through Council's Deputy General Counsel. A telephone discussion was also held with Ipswich City Council's Team Coordinator (West) to confirm the nature of the Council documents initially provided for review.

It should be noted that this report provides an independent, high-level assessment of planning matters only. A detailed review of technical engineering or other specialist expert issues has not been undertaken, as this falls outside the scope of PSA Consulting's engagement.

In summary, PSA Consulting agrees with the Council officer's recommendations to refuse this development application on the basis of the application material submitted and the specific nature of the proposal as it currently stands, primarily because it is inconsistent with the intent of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) which applies to the subject site. There are also aspects of the Ipswich Planning Scheme 2006 which the proposed development does not comply with. The main body of the report addresses these matters in further detail.

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LIST OF ACRONYMS

EFWA	Example Four Word Acronym
MCU	Material change of Use
ERA	Environmentally relevant activity
EA	Environmental authority
DES	Queensland Department of Environment and Science
DSDMIP	Department of State Development, Manufacturing, Infrastructure and Planning
TLPI	Temporary Local Planning Instrument No.1 2018 (Waste Activity)

1 FINDINGS IN RESPONSE TO COUNCIL'S INSTRUCTIONS

Council is seeking an independent third-party peer review of the development application seeking Development Approval for a Material Change of Use (MCU) and Environmentally Relevant Activities (ERA) (refer to Section 2.3 for further details) on land at 100 Chum Street and 20 Rhondda Road, New Chum, being Lot 268 on SP103913 & Lot 227 on SP103913 and provision of independent advice in accordance with Council's instructions as follows:

1. Whether you agree with the officer recommendation?

PSA Consulting agrees with the Council officer's recommendations to refuse this development application on the basis of the application material submitted and the specific nature of the proposal as it currently stands, primarily because it is inconsistent with the intent of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) which applies to the subject site. There are also aspects of the Ipswich Planning Scheme 2006 which the proposed development does not comply with.

2. What are the key planning provisions?

The key planning provisions that relate to this development application include the *South East Queensland Regional Plan 2017-2041, State Planning Policy 2017*, *Ipswich Planning Scheme 2006* and *Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation)*. In particular, the key planning provisions that the proposed development does not comply with, includes the following:

a) Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) – Swanbank/New Chum Waste Activity Code - Overall Outcomes - 3(2)(a) & 4(2)

The Temporary Local Planning Instrument (TLPI) appears to have been created and implemented for the specific purpose of regulating and locating waste activity uses and landfill only within the Swanbank/New Chum Waste Activity Area, which is spatially defined within the TLPI. The proposed development will result in the following waste activity uses and landfill activities being located outside of the defined Swanbank/New Chum Waste Activity Area:

- A leachate pond;
- Sediment basins A & B;
- The vertical extension of the current approved landform footprint in the south eastern corner of landform;
- The current approved landform footprint in the northern corner of the landform. No changes to the footprint are proposed in this location;
- The site entry, site office, site workshop, staff amenities, weighbridge and landfill gas flare in the northern corner of the site; and
- The proposed resource recovery centre.

The above activities are proposed within the Swanbank/New Chum Waste Buffer Area (also spatially defined within the TLPI) and are identified as an Inconsistent Use as per Table 1 of the TLPI. While there are limited changes to the existing footprint of the landform within the Swanbank/New Chum Waste Buffer Area, the TPLI does not differentiate between the actual landform and the related functional aspects of the use such as leachate ponds, sediment basins, site workshop and site office as being appropriate in the Buffer Area. As such, these activities are considered to be inconsistent as they are directly associated with the development being applied for as part of the subject application.

Section 3.2(a) of the Swanbank/New Chum Waste Activity Code within the TLPI specifically states:

> ***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.***

Given that the expanded capacity of the proposed landfill results in a Waste Activity Use in the Swanbank/New Chum Buffer Area, *Table 1 – Table of Assessment and Relevant Assessment Criteria* identifies this development as being an Inconsistent Use, and the TLPI makes it clear that development which is inconsistent with the outcomes sought by the Swanbank/New Chum Waste Activity Code is unlikely to be approved.

b) TLPI – Part 2.3 and Swanbank/New Chum Waste Activity Code - Overall Outcomes - 3(2)(b)(ii) & Swanbank/New Chum Waste Activity Code – Specific Outcomes – 5(a) & 5(b)

The development application material provided indicates that the overall height of the proposed landfill exceeds the top of the former mining void. The applicant has stated in their response to the Temporary Local Planning Instrument: "*that the highest point of the former mining void was approximately RL60m, occurring towards the western property boundary; with a low point of approximately RL36m toward the eastern boundary of Lot 268 on SP103913*."

The proposed landform has a peak height of RL85m which is significantly higher than the former mining void and the previously approved peak height of RL72m. It is not considered that raising the height of the landform above the mining void height can be considered minor contouring, nor will it be likely to result in improved stormwater and drainage outcomes.

While it is noted that the proposed screening bund will restrict views to the waste landform from the southern aspect, the waste areas and progressive landfilling may be visible from other aspects. It is noted in the Visual Impact Assessment prepared by Cardno (June 2019) that views to the landform will be visible primarily from residential receptors to the east and south-east of the subject land in Collingwood Park, the adjacent industrial land (Claypave site) and Swanbank industrial area to the south.

It is likely that the proposed landform and waste progressively filled on-site as a result of the proposed development application will be visible from residential and other sensitive areas and could lack the ability to adequately screen the on-site works, particularly to the east and south-east. It is considered that it has not been demonstrated that the proposal will not impact on visual amenity from residential and other sensitive areas.

c) TLPI – Swanbank/New Chum Waste Activity Code – Specific Outcomes – 6(a) & 6(b)

The Ecological Assessment Report Version N prepared by GHD (June 2019) indicates that vegetation clearing may result in a loss of native vegetation buffer that may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

3. What are the key issues (whether that be assessment against planning provisions or other relevant matters etc.) that you think the decision turns on?

The non-compliance with the TLPI in terms of Waste Activity Uses occurring outside of the defined Swanbank/New Chum Waste Activity Area results in the proposal being an Inconsistent Use. Section 3.2(a) of the Swanbank/New Chum Waste Activity Code within the TLPI specifically states:

> ***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.***

Given that the expanded capacity of the proposed landfill results in a Waste Activity Use in the Swanbank/New Chum Buffer Area, *Table 1 – Table of Assessment and Relevant Assessment Criteria* identifies this development as being an Inconsistent Use, and the TLPI makes it clear that development which is inconsistent with the outcomes sought by the Swanbank/New Chum Waste Activity Code is unlikely to be approved.

While the majority of components located outside of the Swanbank/New Chum Waste Activity Area are somewhat ancillary to the main function of landfill/landform, i.e. sediment basins, leachate ponds and site facilities, there is no differentiation within the TLPI regarding these functions and the main function of the landfill/landform. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on nearby residential and sensitive receiving uses beyond what is anticipated by the TLPI.

The location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

Should the entire proposal be capable of being wholly located within the extent of the defined Swanbank/New Chum Waste Activity Area, then these arguments may not be as relevant (subject to meeting all other applicable aspects of the TLPI). It has not been demonstrated that the height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform heights will not result in visual amenity impacts for residential and other

sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east. In this regard, the proposal is considered to be of a scale and intensity which is not contemplated by the TLPI.

4. Has the developer provided adequate information in relation to those key issues? (i.e. do you need any more information to undertake the peer review, or reach a concluded opinion on any matter?)

PSA Consulting believes the developer has generally provided sufficient information to make an informed assessment of the proposal, with respect to planning matters.

5. What are the issues/planning provisions that are relevant to and support the decision, but are not necessarily decisive? Do these matters result in cumulative issues/impacts that also support the decision?

There are a number of Ipswich Planning Scheme 2006 (Planning Scheme) provisions which the proposed development does not comply with, particularly in relation to visual amenity and buffer requirements. This includes the following:

- The proposed development application is not considered to be consistent with the following Desired Environmental Outcomes or Performance Indicators: *3.1(3)(b), 3.1(3)(d),* 3.1(3)(j), 3.2(1)(b) & *3.2(3)(j);*
- The proposed development application is not considered to be consistent with the following overall outcomes sought for the Regionally Significant Business and Industry Areas: *6.6(2)(a), 6.6(2)(c), 6.6(2)(g), 6.6(2)(h), 6.6(2)(i) & 6.7(2)(a);*
- The proposed development application is not considered to be consistent with the following overall outcomes and specific outcomes sought for the Regionally Business and Industry Investigation Zone: *6.14(2)(a), .14(2)(f)(ii), 6.14(2)(j), 6.14(2)(k), 6.15(1)(e), 6.15(2)(c)(iv), 6.15(14)(b)(iv), 6.15(15)(d), 6.15(15)(i)(i)-(iii), 6.16(2)(a)(iv)(F), 6.16(2)(b)(i), 6.16(2)(b)(ii) & 6.17(2)(t);*
- The proposed development application is not considered to be consistent with the following overall outcomes and specific outcomes sought of the Commercial and Industrial Code: *12.7.3(2)(a)(i), 12.7.3(2)(a)(ii), 12.7.3(2)(a)(iv),* 12.7.3(2)(a)(v), *12.7.3(2)(a)(vii), 12.7.3(2)(b), 12.7.4(1), 12.7.7(1)(e), 12.7.7(2)(b)(ii) & 12.7.7(2)(b)(iv);*

Despite the number of Planning Scheme outcomes not complied with and their potential cumulative effect, these may not necessarily be decisive in and of themselves in terms of determining the development application. However, it is the overall scale and nature of the proposal in terms of primarily not meeting the policy intent of the TLPI – i.e. through location of activities outside the defined Waste Activity Area which is an Inconsisent Use, height of the proposed waste landform etc., that is the fundamental planning issue which warrants refusal of the development application, based on the current proposal.

6. Are there any reasons for the decision that you do not agree with? If so, why?

It is unclear why Council has relied upon the provisions of the *South East Queensland Regional Plan 2009-2031* in its assessment of the development application, as this was superseded by the current *South East Queensland Regional Plan 2017-2041*. Nevertheless, it is considered that the proposed development application is not expressly inconsistent with Desired Regional Outcomes 1 and 10.7 of the *South East Queensland Regional Plan 2009-2031*, given that the subject site is currently used for approved Waste Activity Uses on land largely located within the Swanbank/New Chum Waste Activity Area, as defined by the TLPI. The TLPI clearly seeks to regulate the types of uses proposed by the development application where waste activity uses and landfill activities are intended to be undertaken. As such, the site being located within the Swanbank/New Chum Waste Activity Area has been identified as an appropriate location for waste and landfill infrastructure. There is an identified need for this type of land use and a general expectation that waste activity uses and landfill activities can be undertaken on land with the appropriate zoning/designations at an appropriate scale and intensity for that locality. However, the nature and scale of the proposed development in its current form, in terms of not being fully contained within the defined Swanbank/New Chum Waste Activity Area, as well as the overall proposed height of the waste landform, is inconsistent with the outcomes sought by the TLPI.

While not related to the reasons for the decision, it is noted that the assessment benchmarks for the Planning Regulation, schedule 10 as shown within the Assessment Benchmarks table look to be different to the referral triggers identified by SARA.

7. Are there any additional reasons for decision that you think should be included in the decision notice? If so, what are they and why?

There are no other reasons that should be included in the decision notice.

2 INTRODUCTION

The purpose of this report is to provide an independent third-party peer review of the Development Application seeking a Development Approval for a Material Change of Use (MCU) and Environmentally Relevant Activities (ERA) (refer to Section 2.3 for further details), on land at 100 Chum Street and 20 Rhondda Road, New Chum being Lot 268 on SP103913 & Lot 227 on SP103913.

This Report will provide an independent assessment of the Development Application against the relevant provisions as outlined below, to inform our response to the instructions set by Council:

1. *South East Queensland Regional Plan 2009-2031*;
2. *Shaping SEQ South East Queensland Regional Plan 2017*;
3. *State Planning Policy – July 2017 (2017 SPP)*;
4. *Ipswich City Council Planning Scheme 2006*; and
5. *Ipswich Temporary Local Planning Instrument No.1 of 2018 (Waste Activity Regulation)*.

The initiation of all enquiries and discussions has been made directly through Council's Deputy General Counsel. A telephone discussion was also held with Ipswich City Council's Michael Simmons to confirm the nature of the Council documents provided.

It should be noted that this report provides an independent high-level assessment of planning matters only. A detailed review of technical engineering or other specialist expert issues has not been undertaken, as this falls outside the scope of PSA Consulting's engagement.

2.1 SUBJECT PROPERTY & PLANNING SCHEME DETAILS

Table 1: Subject Property & Planning Scheme Details

ADDRESS:	100 Chum Street and 20 Rhondda Road, New Chum Qld 4303
PROPERTY DESCRIPTION:	Lot 268 on SP103913 & Lot 227 on SP103913
OWNER:	Cleanaway Solid Waste Pty Ltd (ACN 120 175 635) (formerly named Transpacific Waste Management Pty Ltd)
APPLICANT:	Cleanaway Solid Waste Pty Ltd C/- Wolter Consulting Group
LOCAL AUTHORITY:	Ipswich City Council
SITE AREA:	134.71 hectares
PLANNING SCHEME:	Ipswich Planning Scheme 2006
EXISTING ZONE:	• Regional Business and Industry Investigation Zone (Swanbank and New Chum Sub-Area) • Regional Business and Industry Zone (Swanbank/New Chum- Medium Impact Business and Industry Sub Area) • Recreation Zone
OVERLAYS:	• Key Resource Areas, Buffers and Haul Routes (OV02) • Mining Influence Areas (OV03) • Difficult Topography (OV04) • Flooding and Urban Catchment Flow Paths (OV05) • Defence (Area Control) Regulations and Obstruction Clearance (OV07(a)) • Operational Airspace, Wildlife Attraction and Lighting Issues (OV07(b)) • High Voltage Electricity Transmission Lines (OV13)
REGIONAL PLAN:	South East Queensland Regional Plan - Urban Footprint

2.2 BACKGROUND / SITE HISTORY

The subject site contains an existing landfill and waste transfer station which incorporates crushing, milling, grinding and screening activities, service trades use (motor vehicles) and ancillary land uses. It is understood the existing uses operate under current and relevant Local and State Government approvals. Previous Council approvals that relate to this site include the following:

- 192/98 (Town Planning Consent for a landfill);
- 140/98 (Town Planning Consent the weighbridge and ancillary facilities to the landfill);
- 4250/2011, 4250/2011/MA/A, 4250/2011/MA/B, 4250/2011/MA/C, 4250/2011/MA/D - Material Change of Use for Special Industry (Waste Transfer Station, Crushing, Screening Milling and Grinding and Screening associated with the exiting landfill) and Service Trades Use (Motor Vehicle Repair) ERA - 33 & 62);
- 4631/2013/MA, 4631/2013/MA/A, 4631/2013/MA/B, 4631/2013/MA/C - Weighbridge, entrance works and ancillary activities;
- 4629/2013/MA, 4629/2013/MA/A, 4629/2013/MA/B, 4629/2013/MA/C - Landfill (General Waste Disposal with Limited Regulated Waste).

2.3 PROPOSAL

The Development Application seeks Development Approval for a Material Change of Use being generally described as Waste Activity Use and Environmentally Relevant Activities. It is understood that the development application intends to facilitate the following:

- The continued operation and expansion of the New Chum waste management facility as a landfill and transfer station including crushing, milling, grinding or screening activities;
- A lateral extension of the existing landform along a small area extending from the south-eastern boundary onto Lot 227 on SP103913;
- A vertical increase in the height of the landform to RL85m post-settlement of landfilled waste;
- Related changes to external batter slopes, surface water runoff and capping requirements;
- The establishment of a resource recovery area for the sorting, removal and stockpiling of received materials that are not intended to be taken to the landfill; and
- Rehabilitation of southern and eastern sections of the site.

The applicant has noted that there is no change to waste stream acceptance criteria, and no increase in the intensity of operations (waste volume accepted) and no increase in traffic volumes resulting from the redesign of the landform. The applicant has also noted that the facility will continue to operate under a Site-Based Management Plan which is a requirement of the EA EPPR00445713 approved for the site.

More specifically the development application seeks approval for the following:

Table 2: Application Components

MATERIAL CHANGE OF USE:	• 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) **– Development Permit;** • Waste Activity Use involving Landfill in the Swanbank/New Chum Waste Activity Area **– Development Permit;** • 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 **– Development Permit;** • 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 **– Development Permit;**

- 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**– Development Permit;**
- Material Change of Use **– Development Permit**
  - ERA 33 (Crushing, milling, grinding or screening: Crushing, grinding, milling or screening more than 5,000t of material in a year);
  - 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
  - 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;

The application material used for this assessment generally relates to the material that was lodged with Ipswich City Council and referral agencies as part of the Notice to Change to Application. This application material includes the following:

1. Leachate Water Balance Assessment - Dated 26 June 2019 (Ref: 1893805-025-L-Rev0) prepared by Golder;
2. Site Based Management Plan – June 2019 prepared by GHD;
3. Landfill Gas Management Plan – Part 1, Version 003, October 2018 (Ref: EPPR00445713) prepared by Cleanaway;
4. Geotechnical & Hydrogeological Review – Dated 26 June 2019 (Ref: 1893805-001-TM-Rev.8) prepared by Golder;
5. Air Quality Assessment Report - Version 2 (June 2019) prepared by GHD;
6. Acoustic Assessment Report - Version 2 (June 2019) prepared by GHD;
7. Ecological Assessment Report - Version 2 (June 2019) prepared by GHD;
8. Concept Design Report - Version 2 (June 2019) prepared by GHD;
9. Visual Impact Assessment – June 2019 (Ref: LA193012) prepared by Cardno;
10. Addendum to Stormwater Management Plan – June 2019 prepared by GHD;
11. Planning Report – June 2019 prepared by Wolter Consulting;
12. Code Compliance Statements prepared by Wolter Consulting;
13. Temporary Local Planning Instrument Response prepared by Wolter Consulting;

The following documents prepared by Ipswich City Council were also provided to PSA Consulting, which have been relied upon in the review, to assist in addressing the specific questions that Council have requested be addressed in this this third-party review:

- Statement of Reasons (Ref:4502/2018/MCU; AB)
- Agenda Planning Report (Doc ID No: A5818286)

It is also noted that Council has also relied on the following documents in its assessment and that these documents have no statutory weight:

- Transforming Queensland's Recycling and Waste Industry Directions Paper;

- The Queensland Government response to the Honourable Peter Lyons, QC Investigation into the Transport of waste into Queensland;
- Waste Management and Resource Recovery Strategy;
- Resource recovery industry development program;
- Queensland Resource Recovery Industries 10 Year Roadmap and Action Plan;
- Energy from Waste Policy Discussion Paper;
- Queensland Climate Transition Strategy;

Please note that due to time considerations and these not forming statutory considerations, that a comprehensive assessment of the above documents has not been undertaken.

2.4 ZONING AND LAND USE IN THE LOCALITY

The subject site is located within the Regional Business and Industry Investigation Zone (Swanbank and New Chum Sub-Area), Regional Business and Industry Zone (Swanbank/New Chum- Medium Impact Business and Industry Sub Area) and Recreation Zone. It should be noted that limited development is proposed to be undertaken within the Regional Business and Industry Zone (Swanbank/New Chum- Medium Impact Business and Industry Sub Area) and no development is proposed within the Recreation Zone.

The directly surrounding uses comprise of industrial activities being consistent with industrial zonings of the land. Further to the east the site is bordered by land within the Recreation Zone with residential uses being located further to the east and north east.

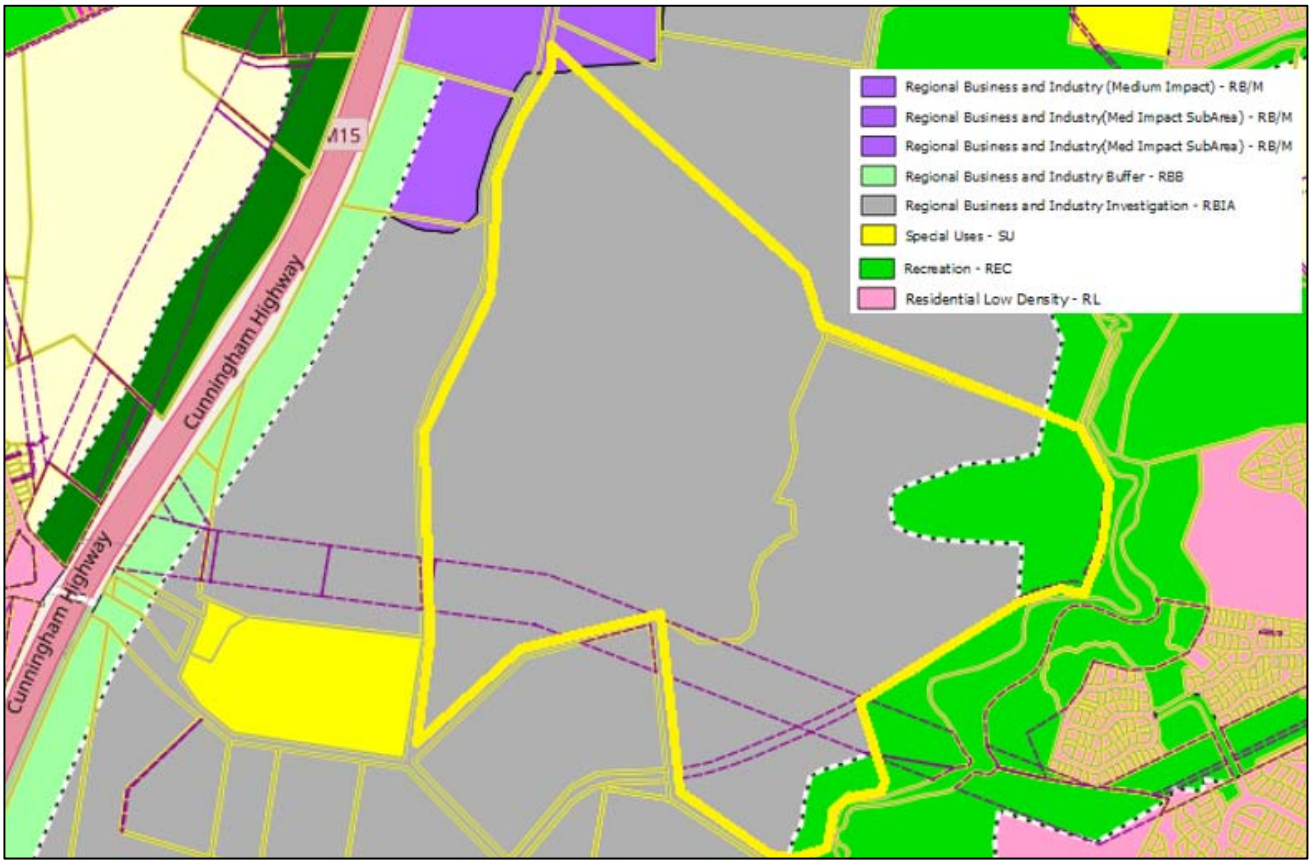

Figure 1: Subject Site & Surrounds Zone Mapping (Ipswich City Council)

2.5 REFERRAL AGENCY

Based on the material provided by Council, it is understood that the following referral agencies are applicable to the development application:

Table 3: Referral Entities

REFERRALS:	
	Department of State Development, Manufacturing, Infrastructure and Planning SEQ West (Ipswich) Post: PO Box 129, IPSWICH QLD 4305 Email: **IpswichSARA@dsdmip.qld.gov.au** Ph: (07) 3432 2413 Referral role: Concurrence Referral Triggers: • Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally relevant activities • Schedule 10, Part 9, Division 1, Table 1, Item 1 – Infrastructure Designation • Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - State transport infrastructure
	Powerlink Post: **PO Box 1193, VIRGINA QLD 4014** **Email: property@powerlink.com.au** **Referral role: Advice** Referral Trigger: Part 9, Division 2, Table 2 - Electricity infrastructure

2.6 PUBLIC NOTIFICATION

The development application required Public Notification to be undertaken in accordance with section 53 of the *Planning Act 2016* and Part 4 of the Development Assessment Rules.

Public Notification for the development application was carried out from 3rd November 2018 to 14 December 2018.

Further Public Notification following lodgement of Notice to Change Application was carried out from 8th July 2019 to 29 July 2019.

Council's Agenda Planning Report states that the Council received 320 properly made submissions and 24 not properly made submissions. Of the 320 properly made submissions 19 were supportive of the proposal. The review of submitter issues was outside the scope of PSA Consulting's brief, however, there is general agreement with Council's response to *How matters were dealt with in reaching a decision*.

3 LEGISLATIVE CONSIDERATIONS

3.1 ASSESSMENT CONSIDERATIONS

3.1.1 SOUTH EAST QUEENSLAND REGIONAL PLAN 2009-2031

It is noted that Council has undertaken an assessment of the Development Application against the *South East Queensland Regional Plan 2009-2031*. It is unclear why this has been relied upon, given that it has been superseded by *Shaping SEQ South East Queensland Regional Plan 2017-2041*. Nevertheless, PSA Consulting has also undertaken a preliminary assessment against the *South East Queensland Regional Plan 2009-2031,* with the relevant components relating to Desired Regional Outcomes 1 and 10.7.

It is considered that the proposed development application is not expressly inconsistent with Desired Regional Outcomes 1 and 10.7 given that the subject site is currently used for Waste Activity Uses on land partly located within the Swanbank/New Chum Waste Activity Area as described by the TLPI, where Waste Activity Uses and Landfill activities are intended to be undertaken. As such, the site being located within the Swanbank/New Chum Waste Activity Area has been identified as an appropriate location for waste and landfill infrastructure. There is an identified need for this type of land use and a general expectation that waste activity uses and landfill activities can be undertaken on land with the appropriate zoning/designations at an appropriate scale and intensity for that locality.

3.1.2 SHAPING SEQ - SOUTH EAST QUEENSLAND REGIONAL PLAN 2017

An assessment of the proposal against the relevant provisions of the *Shaping SEQ South East Queensland Regional Plan 2017-2031* (the Regional Plan), was also undertaken. The proposed development is not consistent with *Theme 4 – Sustain* of the Regional Plan, in that the proposed increased capacity of the landfill does not advance towards the intent for SEQ to be carbon neutral and have zero net waste in 50 years.

Theme 5 – Live of the Regional Plan 2017 is also not achieved given the potential adverse amenity (dust, odour, noise, visual) impacts that nearby residents may experience from the increased capacity and landform size of the proposed landfill. It is considered that the increased capacity of the landfill will not *support improved health and wellbeing and increased quality of life.*

Goal 4 – Sustain, Element 5 – Water sensitive communities relates to the protection of the quality and quantity of water in waterways, aquifers, wetlands, estuaries, Moreton Bay and oceans. An assessment by a qualified expert in this field would be required to advise on the likelihood of adverse water quality and quantity impacts arising from the proposed development.

Despite the above, it is also recognised that there is a currently approved waste facility operating on the site and that the proposed development application seeks to expand the operations and capacity of an existing facility.

3.1.3 STATE PLANNING POLICY – JULY 2017 (2017 SPP)

A preliminary assessment has been undertaken against the relevant State Planning Policy 2017 (SPP) requirements and the proposal potentially does not achieve the following outcomes:

- State Interest – liveable communities (3)(a) - value and nurture local landscape character and the natural environment.
- State Interest – liveable communities (1)(e) - community identity through considering local features, character, needs and aspirations.
- State Interest – development and construction (7)(b) - supported by compatible and complementary land uses and services on surrounding land.
- State interest – water quality (1) - facilitates the protection or enhancement of environmental values and the achievement of water quality objectives for Queensland waters.
- State interest – water quality (3) - Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values of receiving waters arising from altered stormwater quality and hydrology.

- State interest – water quality (3) - Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values of receiving waters arising from the release and mobilisation of nutrients and sediments.
- State interest – water quality (5) - At the post-construction phase, development achieves the applicable stormwater management design objectives on-site.

3.1.4 TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 2018 (WASTE ACTIVITY REGULATION)

An assessment of the relevant provisions of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) is provided below.

3.1.4.1 DEFINITION OF USE UNDER TLPI

Under the Temporary Local Planning Instrument No.1 2018 (Waste Activity) (TLPI) the proposed uses can be defined as per the following:

> *"**Landfill**" means–*
> *(a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a void on a site.*
> *(b) The term includes the reprocessing of material from landfill on or off site.*
>
> *"**Waste Activity Use**" means–*
> *the use of premises for waste industry purposes, including but not limited to:*
> *(a) "Compost Manufacturing Enclosed";*
> *(b) "Compost Manufacturing Unenclosed"; and*
> *(c) "Landfill";*
> *(d) "Rehabilitating a mining void".*

3.1.4.2 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.***

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on existing, approved or planned residential and other sensitive receiving uses.

3.1.4.3 TLPI STRATEGIC OUTCOMES

> ***(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***

Comment: The development application does not propose "Rehabilitating a mining void".

> ***(ii) Waste Activity Uses involving "Landfill" or "Compost Manufacturing Enclosed" occur only in the Swanbank / New Chum Waste Activity Area; and***

Comment: Compliance with this requirement is not achieved as the following works associated with the new use are proposed outside of the defined Swanbank/New Chum Waste Activity Area:

- A leachate pond;
- Sediment basins A & B;
- The vertical extension of the current approved landform footprint in the south eastern corner of landform;
- The current approved landform footprint in the northern corner of the landform. No changes to the footprint are proposed in this location;
- The site entry, site office, site workshop, staff amenities, weighbridge and landfill gas flare in the northern corner of the site; and

- The proposed resource recovery centre.

The works proposed within the Swanbank/New Chum Waste Buffer Area are identified as an Inconsistent Use as per Table 1 of the TLPI. While there are limited changes to the existing footprint of the landform within the Swanbank/New Chum Waste Buffer Area, the TPLI does not differentiate between the actual landform and the related functional aspects of the use such as leachate ponds, sediment basins, site workshop and site office as being suitable to be located in the Buffer Area. As such, these activities are considered to be inconsistent as they are directly associated with the development being applied for as part of the subject application.

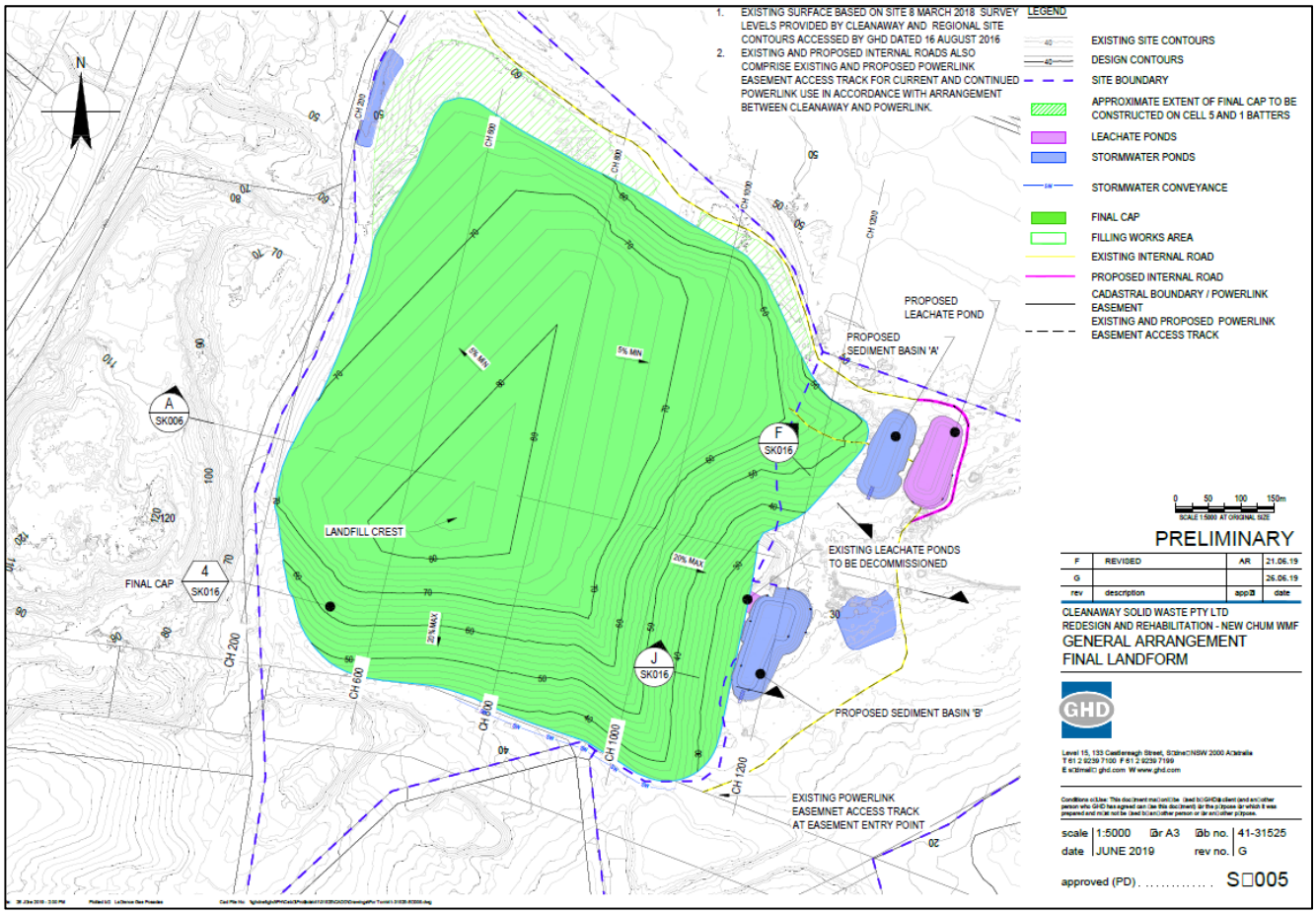

Figure 2: General Arrangement Final Landform Plan

(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.

Comment: The development application does not propose "Compost Manufacturing Unenclosed".

3.1.4.4 TLPI OVERALL OUTCOMES

Section 3.2(a) of the Swanbank/New Chum Waste Activity Code states:

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.

Comment: Given that the expanded capacity of the proposed landfill results in a Waste Activity Use in the Swanbank/New Chum Buffer Area, *Table 1 – Table of Assessment and Relevant Assessment Criteria* identifies this development as being an Inconsistent Use. The TLPI makes it clear that development which is inconsistent with the outcomes sought by the Swanbank/New Chum Waste Activity Code are unlikely to be approved.

The Overall outcomes intended by the Swanbank/New Chum Waste Activity Code are identified as 3(2)(b) of the code are as follows:

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

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on existing, approved or planned residential and other sensitive receiving uses. The applicant has provided a number of specialist reports to support their development application including a Leachate Water Balance Assessment, Site Based Stormwater Management Plan, Landfill Gas Management Plan, Geotechnical & Hydrogeological Review, Air Quality Assessment Report and Acoustic Assessment Report. Given that PSA Consulting are not experts in matters related to amenity and it is unknown if an independent peer review of these assessments has been undertaken, no definitive expert advice can be provided as to the extent the development will have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses.

(ii) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and

Comment: The Concept Design Report Version 2 prepared by GHD (June 2019) states that the waste will be covered progressively and as needed for site environmental management (litter, odour and vermin control) noting that intermediate cover will be placed in areas where waste areas will be inactive for periods of generally 90 days or longer.

The method of landform covering/screening outlined in the Concept Design Report Version 2 suggests that no waste will be visible due to the creation of the screening bund located in the southern section of the landform. It is noted that the proposed screening bund will restrict views to the waste from the southern aspect the waste areas and progressive landfilling will potentially be visible from other aspects. However, it is noted in the Visual Impact Assessment provided that views to the landform will be visible primarily from residential receptors to the east and south-east of the subject land in Collingwood Park, the adjacent industrial land (Claypave site) and Swanbank industrial area to the south. The Visual Impact Assessment prepared by Cardno (June 2019) the proposed landform states:

> *"Compared to the approved landfill (to RL 71), the proposed development (to RL 85m) will have greater visibility from some sensitive residential receptor groups in Collingwood Park, Redbank Plains and Redbank (Receptor Groups D- H, J, K), a commercial receptor group in Redbank Plains (Receptor Group I), Swanbank (Receptor Group L) and New Chum (Receptor Group M) and from a small section of the Ipswich Motorway in Redbank (Receptor Group B)."*

In light of the above comments, it is considered highly likely that the proposed landform and waste progressively filled on-site will be visible from residential and other sensitive areas and may lack the ability to adequately screen the on-site works, particularly to the east and south-east. It is considered that it has not been demonstrated that the proposal will not impact from visual amenity from residential and other sensitive areas.

(iii) do not have a detrimental impact on the environment; and

Comment: The applicant has provided a number of specialist reports to support their development application including a Leachate Water Balance Assessment, Site Based Stormwater Management Plan, Landfill Gas Management Plan, Geotechnical & Hydrogeological Review and Air Quality Assessment Report. Given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on the environment.

(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

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on existing, approved or planned residential and other sensitive receiving uses.

(v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

Comment: It is understood that limited rehabilitation of former mining activities is proposed as part of the application. It is further understood from the Geotechnical and Hydrological Review prepared by Golders (26th June 2019) that the area of landfill has an extensive history of underground and open cut mining, stating: "*the New Chum* landfill *area has*

previously experienced a complex history of underground and open cut mining activities, and subsequent partial backfilling of open cut voids with a wide range of material types, including overburden spoil, chitters, coal stone and wet coal fines (tailings). This review further states that *the extent (area, depth, thickness) and geotechnical characteristics of the coal stone and tailings deposits are not well understood. MGS in their 2010 and 2012 report recommends that s separate study be undertaken in these materials 'to assist other in the assessment of heating and fill settlements as well as earthworks issues associated with the construction of the landfill floor. Although Golder has used conservative assumptions for the material properties in the analysis carried out in this Technical Memorandum, for completeness it is recommended that geotechnical investigations and testing be undertaken to validate the assumptions used in these analyses. Cleanaway has advised that such investigations and testing would be undertaken prior to any construction works associated with the proposed landform."* As such, it is not known from the information provided, what the extent of rehabilitation works are required or proposed for the site's former mining activities.

3.1.4.5 TLPI SPECIFIC OUTCOMES

(c) 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

Comment: The development application does not propose "Rehabilitating a mining void".

(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

Comment: Compliance with this requirement is not achieved as the following works associated with the new use are proposed outside of the Swanbank/New Chum Waste Activity Area:

- A leachate pond;
- Sediment basins A & B;
- The vertical extension of the current approved landform footprint in the south eastern corner of landform;
- The current approved landform footprint in the northern corner of the landform. No changes to the footprint are proposed in this location;
- The site entry, site office, site workshop, staff amenities, weighbridge and landfill gas flare in the northern corner of the site; and
- The proposed resource recovery centre.

(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

Comment: The development application does not propose "Compost Manufacturing Unenclosed".

(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.

Comment: Limited rehabilitation of former mining activities on-site is demonstrated as part of the application. A Rehabilitation Plan outlining Current Rehabilitation Obligations, Proposed Rehabilitation Strategy, Proposed Conceptual Landscape Outcome and Potential Outcome has been provided, however, the plans provide very limited detail in terms of actual rehabilitation outcomes and the timing of the outcomes for the land. It has not been demonstrated that the proposal will add to a network of green spaces, environmental corridors and active passive recreation areas.

(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

Comment: The development application material provided indicates that the overall height of the proposed landfill exceeds the top of the former mining void. The applicant has stated in their Response to the Temporary Local Planning Instrument: "*that the highest point of the former mining void was approximately RL60m, occurring towards the western property boundary; with a low point of approximately RL36m toward the eastern boundary of Lot 268 on SP103913*."

The proposed landform has a peak height of RL85m which is significantly higher than the former mining void and the previously approved peak height of RL72m. It is considered that raising the height of landform above the mining void height as part of this application cannot be considered minor contouring, nor has it been demonstrated that it will result in improved stormwater and drainage outcomes.

It is noted that the proposed screening bund will restrict views to the waste from the southern aspect the waste areas and progressive landfilling will potentially be visible from other aspects. It is also noted in the Visual Impact Assessment provided by the applicant that views to the landform will be visible primarily from residential receptors to the east and south-east of the subject land in Collingwood Park, the adjacent industrial land (Claypave site) and Swanbank industrial area to the south. The Visual Impact Assessment prepared by Cardno (June 2019) the proposed landform states:

> *"Compared to the approved landfill (to RL 71), the proposed development (to RL 85m) will have greater visibility from some sensitive residential receptor groups in Collingwood Park, Redbank Plains and Redbank (Receptor Groups D- H, J, K), a commercial receptor group in Redbank Plains (Receptor Group I), Swanbank (Receptor Group L) and New Chum (Receptor Group M) and from a small section of the Ipswich Motorway in Redbank (Receptor Group B)."*

As such, it is considered highly likely that the proposed landform and waste progressively filled on-site will be visible from residential and other sensitive areas and may lack the ability to adequately screen the on-site works, particularly to the east and south-east - which is likely to result in adverse impacts on visual amenity.

(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.

Comment: The proposed activities result in vegetation clearing along the eastern edge of the project footprint. The Ecological Assessment Report Version N prepared by GHD (June 2019) identifies:

"Vegetation clearing for the project footprint including the two sediments and leachate pond, excluding the approved current landform will result in the direct loss of: the following vegetation clearing for proposed development:

- *3.06 ha of 'highly modified' vegetation and 0.08 ha of 'regrowth eucalypt woodland and weedy understorey' vegetation.*
- *0.08 ha of suitable foraging habitat for the koala, grey-headed flying-fox, greater glider and echidna.*
- *1.07 ha of high value bushland habitat and 1.6 ha of medium value rehabilitation habitat.*
- *Direct loss of 0.08 ha of suitable habitat for Eucalyptus curtisii (plunket mallee), Notelaea lloydii (Lloyds olive), Notelaea ipsviciensis (cooneana olive) and Marsdenia coronate (slender milkvine) within the project footprint.*
- *Loss of 0.13 ha of Category C vegetation (high value regrowth) comprising of highly modified and regrowth eucalypt woodland."*

The proposed vegetation clearing may result in a loss of native vegetation buffer that may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors. A number of mitigation measures to minimise the loss of vegetation have been identified, however, the specific detail on how the measures would be implemented have not been provided with advice from the applicant that the detailed plans will be provided at the operational works stage.

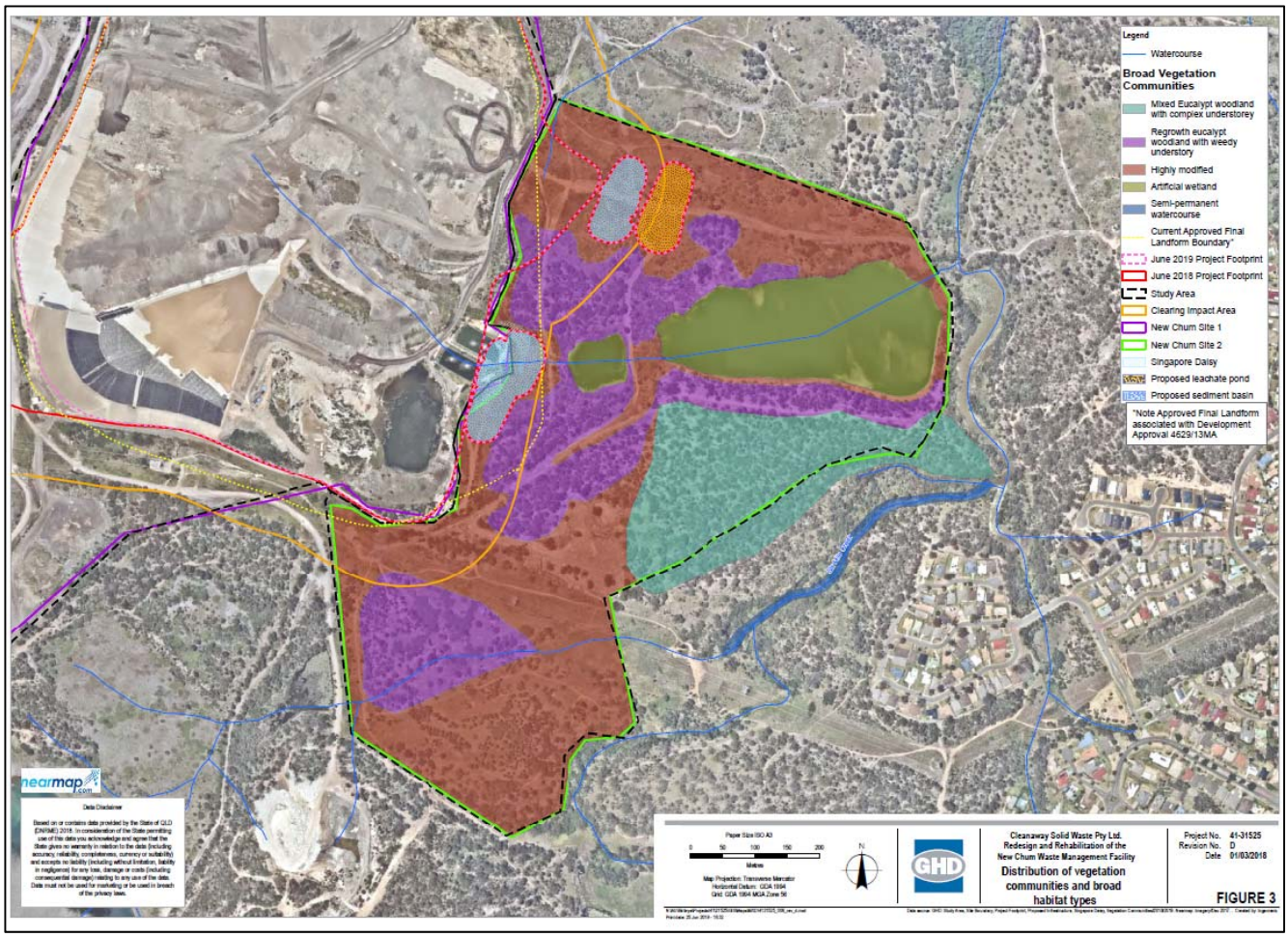

Figure 3: Distribution of vegetation communities and broad habitat types

The applicant has provided a number of specialist reports to support their development application including a Leachate Water Balance Assessment, Site Based Stormwater Management Plan and Geotechnical & Hydrogeological Review. Given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on surface or ground water quality, including through stormwater runoff, adversely affecting stormwater management or improve 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.***

Comment: The applicant has provided a number of specialist reports to support their development application including a Leachate Water Balance Assessment, Site Based Stormwater Management Plan, Landfill Gas Management Plan, Geotechnical & Hydrogeological Review, Air Quality Assessment Report and Acoustic Assessment Report. Given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on the overall amenity of the surrounding area with respect to these matters, particularly on existing, approved or planned residential areas or other sensitive receiving uses.

3.1.5 IPSWICH PLANNING SCHEME AND PLANNING SCHEME POLCIES

An assessment of the proposed development against the relevant Ipswich City Planning Scheme 2006 and associated Planning Scheme Policies has been conducted, with the relevant findings provided below.

3.1.5.1 DEFINITIONS OF PROPOSED USES

The Ipswich Planning Scheme 2006 defines the proposed uses as:

Special Industry *means the use of premises for—*

Waste recycling, reprocessing and disposal, including—

(i) drum reconditioning: operating a facility for receiving and commercially reconditioning metal or plastic drums;

(ii) chemical or oil recycling: operating a facility for receiving and commercially recycling or reprocessing used chemicals, oils or solvents to produce saleable products;

(iii) incineration facility: operating a facility for incinerating pet or animal remains, general waste (excluding pit burning), biomedical or quarantine waste or regulated waste;

(iv) 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;

(v) waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year;

(vi) regulated waste recycling, reprocessing, storage and treatment or disposal: operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste or receiving and storing more than 500 tyres in whole or equivalent parts;

(vii) compost manufacture: commercially storing, processing, drying or composting organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 1000 tonnes or more a year; or

(viii) commercially manufacturing substrate for mushroom growing

Miscellaneous industrial activities, including—

(iii) crushing, milling or grinding: screening, washing, crushing, grinding, milling, sizing or separating (including, for example, material extracted from the earth, uncured rubber and chemicals) in works producing 5000 tonnes or more per year;

The following Ipswich Planning Scheme 2006 codes were identified as assessment benchmarks for the application:

- 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

3.1.5.2 PART 3 – DESIRED ENVIRONMENTAL OUTCOMES AND PERFORMANCE INDICATORS

The proposed development application is not considered to be consistent with the following Desired Environmental Outcomes or Performance Indicators:

> ***3.1(3)(b) adverse effects on the natural environment are minimised or prevented with respect to the loss of natural vegetation and associated habitat, soil degradation, air pollution and water pollution owing to erosion, chemical contamination, acidification, salinity, sewage and wastewater treatment, management and effluent disposal and the like;***

Comment: It has not been demonstrated that the proposed development will not result in a loss of natural vegetation and associated habitat due to the increased capacity of the landform requiring Waste Activity Uses within the Swanbank/New Chum Buffer Area.

> ***3.1(3)(d) the availability of resources, including significant extractive and mineral resources, water resources and good quality agricultural lands are protected for ongoing use;***

Comment: It is noted that Council has raised non-compliance with this Desired Environmental Outcome due to the insufficient demonstration that the approval of the development application will not result in an acceptable environmental outcome having regard to matters of environmental management in relation to stormwater, groundwater and the proposed landscape treatment. It is acknowledged that the applicant has provided specialist reports relating to the assessment of stormwater, groundwater and landscape treatments. However, given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on water resources.

> **3.1(3)(j)** ***the health and safety of people, and the amenity they enjoy, are maximised, particularly in the urban and township areas where different types of uses are located close together;***

Comment: The height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform heights is likely to result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

> **3.2(1)(b)** ***resulted in soil degradation, water pollution, air pollution or inappropriate clearing of natural vegetation;***

Comment: It is noted that Council has raised non-compliance with this Desired Environmental Outcome due to the insufficient demonstration that the approval of the development application will not result in an acceptable environmental outcome having regard to matters of environmental management in relation to stormwater, groundwater and the proposed landscape treatment. It is acknowledged that the applicant has provided specialist reports relating to the assessment of stormwater, groundwater and landscape treatments. However, given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on water resources.

> ***3.2(3)(j) been designed and located to minimise impacts on adjoining residential uses;***

Comment: The height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform heights is likely to result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

3.1.5.3 REGIONALLY SIGNIFICANT BUSINESS ENTREPRISE AND INDUSTRY AREAS

The proposed development application is not considered to be consistent with the following overall outcomes sought for the Regionally Significant Business and Industry Areas:

> ***6.6(2)(a) Regionally significant business enterprise and industry nodes are created and maintained, which enjoy sustained economic growth, good design and ecological sustainability;***

Comment: It could be considered that the location of parts of the proposed Waste Activity Use outside of the Swanbank/New Chum Waste Activity Area and the overall height of the proposed landform does not achieve a good

design outcome given the potential for visual amenity and buffer impacts on nearby residential areas and sensitive receiving uses.

> ***6.6(2)(c) There is a high standard of amenity in regionally significant business and industry areas and uses in these areas are generally compatible;***

Comment: It is likely that the proposed landform and waste progressively filled on-site as a result of the proposed development application will be visible from residential and other sensitive areas and could lack the ability to adequately screen the on-site works, particularly to the east and south-east. As such, it has not been demonstrated that the proposal will not result in adverse impacts on visual amenity. While it is noted that a proposed screening bund will restrict views to the waste landform from the southern aspect, the waste areas and progressive landfilling may be visible from other aspects. It is noted in the Visual Impact Assessment prepared by Cardno (June 2019) that views to the landform will be visible primarily from residential receptors to the east and south-east of the subject land in Collingwood Park, the adjacent industrial land (Claypave site) and Swanbank industrial area to the south.

> ***6.6(2)(g) Degraded or contaminated sites (including former mining sites and overburden stock piles) are rehabilitated and used in an appropriate manner;***

Comment: PSA Consulting understands from a review of the application material that limited rehabilitation of former mining activities is proposed as part of the application. The Geotechnical and Hydrological Review prepared by Golders (26th June 2019) on behalf of the applicant suggests that further geotechnical assessments are required to fully understand the impacts the proposed landform may have on the historical mining activities.

> ***6.6(2)(h) Uses and works are located and designed to minimise risks and nuisance to people and property.***

Comment: The proposal encroaches within the Swanbank/New Chum Buffer Area as defined by the TLPI, creating the potential for nuisance on nearby people or property.

> ***6.6(2)(i) Buffers are created between incompatible uses to ensure that there are no discernible amenity or environmental impacts which affect adjacent sensitive land uses;***

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on nearby residential and sensitive receiving uses. In addition, the location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas.

> ***6.7(2)(a) The quality of stormwater runoff from a use or site is similar to or better than the established water quality standards for the receiving waters or lawful point of discharge;***

Comment: It is noted that Council has raised non-compliance with this overall outcome due to the insufficient demonstration that the approval of the development application will not result in an acceptable environmental outcome having regard to matters of environmental management in relation to stormwater, groundwater and the proposed landscape treatment. It is acknowledged that the applicant has provided specialist reports relating to the assessment of stormwater, groundwater and landscape treatments. However, given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or will not have a detrimental impact on water quality standards.

The proposed development application is not considered to be consistent with the following overall outcomes and specific outcomes sought for the Regional Business and Industry Investigation Zone:

> ***6.14(2)(a) Uses and works within the Regional Business and Industry Investigation Zone provide regional business enterprise and industry employment opportunities subject to resolution of applicable constraints such as potential amenity impacts on nearby residential areas, mining, flooding and availability of services.***

Comment: The proposal encroaches within the Swanbank/New Chum Buffer Area as defined by the TLPI, creating the potential for nuisance on nearby people or property.

> ***6.14(2)(f)(ii) Such activities should not have a significant detrimental amenity impact on nearby existing or proposed residential areas;***

Comment: The proposal encroaches within the Swanbank/New Chum Buffer Area as defined by the TLPI, creating the potential for amenity impacts on nearby residential areas. It has not been demonstrated that the height of the proposed

landform exceeding the top of the former mining void and the previously approved peak landform height will not result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

6.14(2)(j) - Degraded or contaminated sites (including former mining sites and overburden stockpiles) are rehabilitated and used in an appropriate manner;

Comment: PSA Consulting understands from a review of the application material that limited rehabilitation of former mining activities is proposed as part of the application. The Geotechnical and Hydrological Review prepared by Golders (26th June 2019) on behalf of the applicant suggests that further geotechnical assessments are required to fully understand the impacts the proposed landform may have on the historical mining activities.

6.14(2)(k) Buffers are created between incompatible uses to ensure that there are no discernible amenity or environmental impacts which affect adjacent sensitive land uses;

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on adjacent sensitive receiving uses. In addition, the location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

6.15(1)(e) retention of existing vegetation and supplementary planting, where necessary, particularly within buffer areas and in situations where business and industry activities may be 'overlooked' by residential areas;

Comment: Proposed Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area as defined by the TLPI may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

6.15(2)(c)(iv) provide buffers to improve amenity or environmental impacts particularly where industrial uses adjoin residential areas or riparian corridors

Comment: The location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area and within the Swanbank/New Chum Buffer Area as defined by the TLPI, may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

6.15(14)(b)(iv) provision of adequate physical separation and appropriate landscaped treatment including establishing planted buffer areas and acoustic mounds or fencing.

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area, creating the potential for detrimental impacts, nuisance or disturbance on adjacent sensitive receiving uses. In addition, the location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

6.15(15)(d) provides for the rehabilitation, repair and reuse of former mining lands;

Comment: PSA Consulting understands from a review of the application material that limited rehabilitation of former mining activities is proposed as part of the application. The Geotechnical and Hydrological Review prepared by Golders (26th June 2019) on behalf of the application suggests that further geotechnical assessments are required to fully understand the impacts the proposed landform may have on the historical mining activities.

6.15(15)(i)(i)-(iii) - existing residences; planned future residential areas; major external road corridors (in terms of visual amenity);

Comment: The height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform height is likely to result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

6.16(2)(a)(iv)(F) provide more capital intensive, business, industry, recreation and community uses, including some 'difficult to locate' activities, where the use has no discernible amenity or environmental impacts outside of the Sub Area, including— special industries;

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on adjacent sensitive receiving uses.

> ***6.16(2)(b)(i) - New uses and works present buildings of a high visual quality when viewed from the Cunningham Highway, Old Ipswich Road, Redbank Plains Road, the Centenary Highway, the Ipswich to Springfield Public Transport Corridor and nearby existing or planned residential areas.***

Comment: It has not been demonstrated that the proposed buildings and height of the proposed landform will not result in visual amenity impacts when viewed from the Cunningham Highway.

> ***6.16(2)(b)(ii) - Buildings and any outdoor areas used for plant, equipment and storage are screened with appropriate landscaping particularly when viewed from the Cunningham Highway, Old Ipswich Road, Redbank Plains Road, the Centenary Highway, the Ipswich to Springfield Public Transport Corridor and nearby existing or planned residential areas.***
>
> It has not been demonstrated that the proposed buildings and height of the proposed landform will not result in visual amenity impacts when viewed from the Cunningham Highway.***6.17(2)(t) - The following uses, use classes and other development categories are consistent with the outcomes sought for the Regional Business and Industry Investigation Zone if of a type and scale appropriate for the prevailing nature of the area and the particular circumstances of the site and its surrounds— special industry;***

Comment: The proposed development results in a use that is generally consistent with the intent of the Regional Business and Industry Investigation Zone. However, Waste Activity Uses are proposed to occur outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area and is an Inconsistent use under the TLPI, creating the potential for detrimental impacts, nuisance or disturbance on adjacent sensitive receiving uses. This is inconsistent with the intent of the TLPI, suggesting that the scale of development is not consistent with the particular circumstances of the site and its surrounds.

The proposed development application is not considered to be consistent with the following overall outcomes and specific outcomes sought of the Commercial and Industrial Code:

> ***12.7.3(2)(a)(i) commercial and industrial uses and works— are undertaken in a manner which does not cause a nuisance or disturbance to the occupiers or users of other nearby land, particularly nearby residents and other sensitive receptors;***

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on adjacent sensitive receiving uses.

> ***12.7.3(2)(a)(ii) commercial and industrial uses and works— are compatible with the physical characteristics of the site where they are located and the character of the local area;***

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on nearby residential and sensitive receiving uses beyond what was anticipated by the TLPI. In addition, the location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors. Further, the proposed landform has a peak height of RL85m which is significantly higher than the former mining void and the previously approved peak height of RL72m. This could result in a proposed development that is arguably incompatible with the physical characteristics of the site and the character of the local area.

> ***12.7.3(2)(a)(iv) - commercial and industrial uses and works—screen unsightly elements;***

Comment: The proposed landform has a peak height of RL85m which is significantly higher than the former mining void and the previously approved peak height of RL72m. While it is noted that the proposed screening bund will restrict views to the waste landform from the southern aspect, the waste areas and progressive landfilling may be visible from other aspects. It is noted in the Visual Impact Assessment prepared by Cardno (June 2019) that views to the landform will be visible primarily from residential receptors to the east and south-east of the subject land in Collingwood Park, the adjacent industrial land (Claypave site) and Swanbank industrial area to the south.

12.7.3(2)(a)(v); ***commercial and industrial uses and works—provide reasonable buffers between incompatible uses and zones, Sub Areas or precincts;***

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area which is intended to act as a buffer between the Waste Activity Area and other surrounding uses. In addition, the location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area may also result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

12.7.3(2)(a)(vii) - maintain a scale and height of development commensurate with the intent of the zone, Sub Area or precinct in which the development is located and which is generally compatible with surrounding development and operational airspace for RAAF Base Amberley and Archerfield Aerodrome;

Comment: The height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform heights is likely to result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

12.7.3(2)(b) Commercial and Industrial uses and works are developed and managed in accordance with acceptable environmental standards.

Comment: It is noted that Council has raised non-compliance with this overall outcome due to the insufficient demonstration that the approval of the development application will not result in an acceptable environmental outcome having regard to matters of environmental management in relation to stormwater, groundwater and the proposed landscape treatment. It is acknowledged that the applicant has provided specialist reports relating to the assessment of stormwater, groundwater and landscape treatments. However, given that PSA Consulting are not experts in these specialist matters and it is unknown if an independent peer review of these assessments has been undertaken, PSA Consulting cannot advise if the development will or can be development and managed in accordance with acceptable environmental standards.

12.7.4(1) The establishment of a commercial or industrial use has no significant detrimental effect on the amenity and general well-being of the area and does not impose a load on any public utility beyond its capability to service the use or works.

Comment: The proposed development results in Waste Activity Uses occurring outside of the Swanbank/New Chum Waste Activity Area as defined by the TLPI. As such, the proposal encroaches within the Swanbank/New Chum Buffer Area creating the potential for detrimental impacts, nuisance or disturbance on the amenity of nearby residential and sensitive receiving uses.

12.7.7(1)(e) Uses and works maintain the amenity of nearby residential areas and adjoining business premises and protect and enhance important townscape and landscape elements, having regard to— vegetation protection within buffer areas;

Comment: The location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area and within the Swanbank/New Chum Buffer Area as defined by the TLPI, may result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

12.7.7(1)(f) Uses and works maintain the amenity of nearby residential areas and adjoining business premises and protect and enhance important townscape and landscape elements, having regard to— appropriate landscape treatment of buffer areas and street frontage areas; and

Comment: The location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area and within the Swanbank/New Chum Buffer Area as defined by the TLPI, may result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

12.7.7(2)(b)(ii) New uses and works— soften or screen the view into unsightly storage or work areas

Comment: The height of the proposed landform exceeding the top of the former mining void and the previously approved peak landform heights is likely to result in visual amenity impacts for residential and other sensitive areas, particularly as the progressive filling of waste is unlikely to be screened to the east and south-east.

12.7.7(2)(b)(iv) provide buffers to improve amenity or environmental impacts particularly where industrial uses adjoin residential areas or riparian corridors.

Comment: The location of Waste Activity Uses occurring outside the Swanbank/New Chum Waste Activity Area and within the Swanbank/New Chum Buffer Area as defined by the TLPI, may result in a loss of native vegetation buffer that otherwise may have assisted in improving the amenity or lessening environmental impacts where situated close to residential areas or riparian corridors.

3.1.6 LOCAL GOVERNMENT INFRASTRUCTURE PLAN

There are no requirements for trunk infrastructure identified in the plan relevant to the application.

3.1.7 REFERRAL AGENCY RESPONSES

3.1.7.1 POWERLINK RESPONSE

Powerlink provided an amended response following the changed application advising Council on the 16 July 2019 that they do not object to the development provided it is undertaken in accordance with the terms and conditions of the Powerlink easement that traverses the site.

3.1.7.2 SARA RESPONSE

On the 10 September 2019 SARA provided their Referral agency response. This response confirmed the application had been properly referred on the 6 August 2018 and that they do not object to the development subject to the inclusion of various SARA conditions.

4 CONCLUSION

The purpose of this report was to provide an independent third-party peer review of the development application (Council Ref: 4502/2018/MCU) seeking a Development Approval for a Material Change of Use (MCU) and Environmentally Relevant Activities (ERA) (refer to Section 2.3 for further details), on land at 100 Chum Street and 20 Rhondda Road, New Chum, being Lot 268 on SP103913 & Lot 227 on SP103913. This independent third-party review has been undertaken at the request of Ipswich City Council.

This report provides a high-level summary assessment of the application against the applicable legislation and statutory provisions, including the relevant provisions of the *South East Queensland Regional Plan 2017-2041 (ShapingSEQ), State Planning Policy 2017*, *Ipswich Planning Scheme 2006* and *Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation)*. It also addresses the specific instructions set by Council, who requested that the following questions be considered:

1. Whether you agree with the officer recommendation?

2. What are the key planning provisions?

3. What are the key issues (whether that be assessment against planning provisions or other relevant matters etc.) that you think the decision turns on?

4. Has the developer provided adequate information in relation to those key issues? (i.e. do you need any more information to undertake the peer review, or reach a concluded opinion on any matter?)

5. What are the issues/planning provisions that are relevant to and support the decision, but are not necessarily decisive? Do these matters result in cumulative issues/impacts that also support the decision?

6. Are there any reasons for the decision that you do not agree with? If so, why?

7. Are there any additional reasons for decision that you think should be included in the decision notice? If so, what are they and why?

It should be noted that this report provides an independent, high level assessment of planning matters only. A detailed review of technical engineering or other specialist expert issues has not been undertaken, as this falls outside the scope of PSA Consulting's engagement.

In summary, PSA Consulting agrees with the Council officer's recommendations to refuse this development application on the basis of the application material submitted and the specific nature of the proposal as it currently stands, primarily because it is inconsistent with the intent of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation) which applies to the subject site. There are also aspects of the Ipswich Planning Scheme 2006 which the proposed development does not comply with.