



Energy from Waste Policy

Discussion paper for consultation

RTI RELEASE

Prepared by: Office of Resource Recovery, Department of Environment and Science

© State of Queensland, 2019.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

If you need to access this document in a language other than English, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone Library Services on +61 7 3170 5470.

This publication can be made available in an alternative format (e.g. large print or audiotape) on request for people with vision impairment; phone +61 7 3170 5470 or email <library@des.qld.gov.au>.

June 2019

#31260

Contents

Introduction	1
Why does Queensland need an EfW policy?	1
Stakeholder consultation	2
Waste management and resource recovery in Queensland	2
What is EfW?	4
Energy recovery in the waste hierarchy	6
Energy recovery and the circular economy	6
EfW policy in Australia	8
EfW projects in Australia	8
International EfW policy	10
Towards an EfW policy for Queensland	11
The role of EfW in Queensland	11
Risk-based EfW framework	12
Safeguarding the waste hierarchy	15
Promoting genuine energy recovery	17
Managing potential environmental impact	18
Planning approvals for EfW Facilities	19
Community engagement	20
Join the discussion	23
Proposed principles	23
Consultation questions	23
Make a submission	24
Appendix 1: Stakeholders consulted	25

Introduction

Energy from waste (EfW) refers to converting waste materials into fuels, or energy in the form of electricity, heat, or cooling. It is often used interchangeably with the term ‘waste to energy’.

Currently there is no nationally consistent policy approach to recovering energy from waste materials in Australia, with a mixture (or absence) of policy settings across the country. The Queensland Government is undertaking consultation to inform the development of an EfW policy which is best suited to our state.

Developing the EfW policy is a key action identified in the delivery of the Waste Management and Resource Recovery Strategy (waste strategy):

The aim of this discussion paper is to seek feedback on how stakeholders see the role and use of EfW technologies in Queensland’s approach to waste management. This will help to inform a government policy position and the development of the EfW policy.

This discussion paper identifies a proposed role for EfW in Queensland and how it could support implementation of the waste strategy. The discussion paper also outlines a set of proposed principles to help guide EfW developments in a way that ensures human health and the environment are protected, and maintains the integrity of reuse and recycling activities.

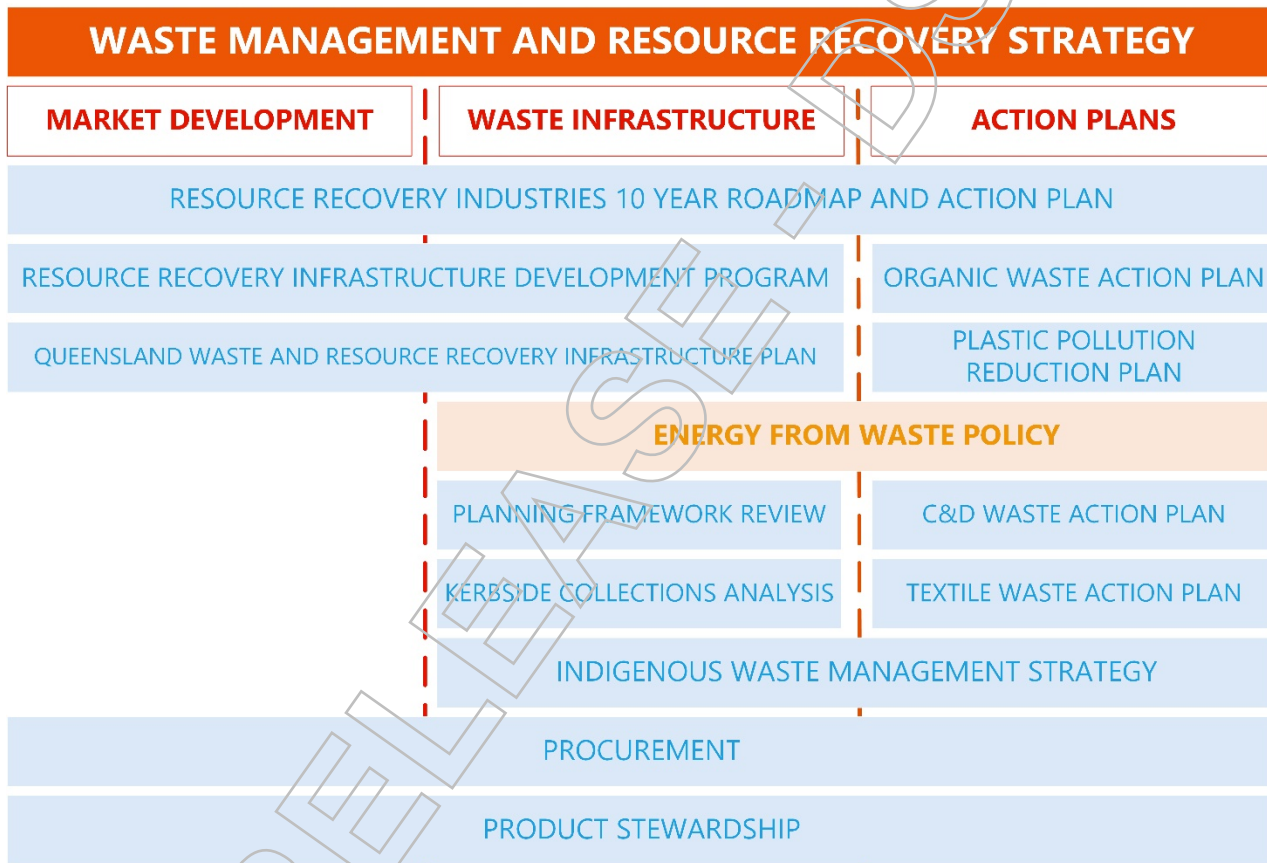


Figure 1: Key actions in implementing the Waste Management and Resource Recovery Strategy

Why does Queensland need an EfW policy?

Released on 1 July 2019, the waste strategy provides a strategic plan for better harnessing the potential value of resources that have traditionally been discarded, whilst reducing the impact of waste on the environment and communities. The waste strategy outlines a vision for Queensland to become a zero-waste society, where waste is avoided, reused and recycled to the greatest extent possible. To support this vision, the waste strategy sets targets to:

- reduce waste generation by households by 25 percent by 2050
- recycle 75 percent of all waste by 2050
- divert 90% of all waste from landfill by 2050.

The waste strategy also identifies the following strategic priorities to help drive a fundamental shift in the way waste is managed and support the envisioned transition to a zero-waste society:

1. reducing the impact of waste on the environment and communities
2. transitioning towards a circular economy for waste
3. building economic opportunity.

Transitioning to a circular economy for waste (priority 2) aims to ensure that products are designed to eliminate waste and pollution, and that products and materials keep circulating in the economy at their highest value for as long as possible. This is done through reuse, repair, re-manufacturing, recycling, and similar activities. When products and materials can no longer be circulated and become waste, the energy embodied in the waste can be harnessed and used before finally disposing of the residues in landfill.

Achieving the waste strategy's recycling targets, and transitioning to a circular economy will take time. During the transitional period, a clear policy position on EfW is needed. Under the Queensland Biofutures 10-year Roadmap and Action Plan, the government has committed to developing a \$1 billion sustainable and export-oriented industrial biotechnology and bioproducts sector attracting significant international investment, and creating regional, high-value and knowledge-intensive jobs. The Queensland Government recognises that producing high-value fuels from waste materials could contribute to the biofutures vision by creating greater employment and economic opportunities, compared to the alternative of disposal in landfills. A clear EfW policy position will recognise the benefits of producing fuels from waste over other forms of energy.

A clear EfW policy position will also provide certainty to proponents. This will help to ensure that the development of the EfW sector in Queensland does not create an over-reliance on EfW as a waste management solution, or create the circumstances that undermine programs or stifle innovation to sustainably reduce, reuse and recycle waste. An EfW policy that outlines a consistent approach and clear guidelines for proponents to follow, will help to ensure that EfW projects meet technical, environmental, regulatory and community expectations and are in the best interest of Queenslanders

A clear policy position will also help to drive greater efficiency in extracting and converting the embodied energy in waste materials into useful energy before final disposal.

A Queensland EfW policy will create a level playing field for new projects and ensure that reuse and recycling activities are not compromised by the current market opportunity in fuel and energy recovery.

Stakeholder consultation

Stakeholders from across industry, federal, state and local government, the environmental advocacy sector, and academia were consulted in the preparation of this discussion paper (Appendix 1).

Waste management and resource recovery in Queensland

In 2017-18, Queensland produced 10.9 million tonnes of waste, of which 4.9 million tonnes of resources, or around 45 percent of the waste generated, were recovered or recycled (Figure 2). The remaining 6 million tonnes were disposed of to landfill. Over the past 10 years, the amount of waste sent to landfill in Queensland has increased while the recycling rate has remained steady. Waste going to landfill represents lost opportunities to extract materials and energy that can replace the use of virgin resources, and reliance on fossil fuel energy.

Snapshot of waste in Queensland

In 2017–2018 ...

10.9
million tonnes

of headline wastes reported

55%



of waste goes to landfill

45%



of waste is recycled or recovered

Local governments sent
340,000 tonnes



of paper and packaging to recyclers



1.24m
tonnes

of mixed domestic waste picked up by
weekly council kerbside collection

Organic processors converted
1.4 million tonnes



into products such as soil,
potting mixes and mulches

It cost local governments

\$18.4m

to deal with **6,000**
tonnes



of illegally disposed of waste



37%
increase

in the annual amount
of waste from

interstate sources
sent to Queensland waste facilities

Figure 2: Snapshot of waste in Queensland

The waste strategy sets targets to recycle 50 percent of household waste by 2025, and 75 percent by 2050. It also seeks to divert 90% of waste from landfill by 2050 (Table 1). It is proposed that EfW can help Queensland meet this landfill diversion target by recovering value from waste that is not practical or economically viable to separate and recycle ('residual waste').

Table 1: Waste strategy targets

Description of target	Waste stream	2017-18 Baseline	2025	2030	2040	2050
Waste reduction for households (as percentage of 2017-18 baseline)	Municipal solid waste (MSW)	0.54 tonnes per capita	10%	15%	20%	25%
Waste diversion from landfill (recovery rate as a percentage of total waste generated in 2017-18)	MSW	32.4%	55%	70%	90%	95%
	Commercial and industrial (C&I)	47.3%	65%	80%	90%	95%
	Construction and demolition (C&D)	50.9%	75%	85%	85%	85%
	Overall maximum	45.4%	65%	80%	85%	90%
Recycling rate (as a percentage of total waste generated in 2017-18)	MSW	31.1%	50%	60%	65%	70%
	C&I	46.5%	55%	60%	65%	>65%
	C&D	50.9%	75%	80%	>80%	>80%
	Overall	44.9%	60%	65%	70%	75%

What is EfW?

EfW refers to the recovery of useful energy from waste materials. Energy can be recovered in the form of solid, liquid or gaseous fuels, electricity, heat, or cooling systems. The energy can be used on the site of production to help meet energy demands ('behind-the-meter'), or supplied to other users through a wider distribution network.

Various technologies are available to convert waste into energy. All are broadly based on thermal, biological or chemical processes.

- Thermal technologies use heat to release the embodied energy from the waste. Incineration, torrefaction, pyrolysis, and gasification are examples of thermal EfW processes.
- Biological processes use microorganisms that feed on the waste and produce an energy-rich gas or liquid, which can further be converted to electricity or heat. An example of this process is the fermentation of biomass to produce ethanol.
- Chemical processing uses chemical agents to break down the waste and convert it into liquid fuel. The conversion of waste fats and oils into biodiesel using chemical catalysts is an example of a chemical EfW process.

Different EfW technologies require alternative feedstock and produce different forms of useful energy and residues (Table 2).

Table 2: Summary of EfW technologies

Technology	Potential feedstock	Outputs	Residues	Maturity[1]
Thermal technologies				
Incineration	Mixed MSW, C&I and some C&D waste, woody biomass waste	Heat, electricity, recovered metals, bottom ash	Bottom ash, fly ash, flue gas treatment residues	Internationally mature
Advanced thermal treatment [2]	Pre-sorted MSW, C&I and some C&D wastes and homogeneous streams e.g. tyres, dry organics, plastics	Heat, electricity, syngas, refined oils/chemicals, char	Flue gas treatment residues	Maturing, mature in some jurisdictions (e.g. Japan)
Biological technologies				
Anaerobic digestion	Organic wastes, biosolids from waste water treatment plants	Heat, electricity, biogas, digestate	Wastewater, inert contaminants (e.g. plastics, glass)	Mature internationally. Maturing in Australia
Fermentation	Organic waste with high sugar content	Alcohols, digestate	Liquid residues	Developing
Solid fuel production	MSW, C&I and C&D streams	Combustible solid fuels (e.g. refuse derived fuel)	Solid residues	Mature
Chemical technologies				
Liquid fuel production (other than advanced thermal treatment)	Individual waste streams, e.g. tyres, waste oils, plastics, solvents	Combustible liquid fuels	Process-dependent	Developing

[1] Technology maturity refers to the degree to which it can be demonstrated that the technology can reliably and commercially operate on given waste feedstock.

[2] Examples of advanced thermal treatment include pyrolysis, gasification, and plasma gasification.

Energy recovery in the waste hierarchy

The Queensland Waste and Resource Management Hierarchy (the waste hierarchy) is a framework that guides the order of preference for managing waste (Figure 3). It is enshrined in Queensland law and supported by the vision, targets and actions in the waste strategy.

Waste should be managed at the highest practical level of the waste hierarchy to achieve the best outcome for the environment and for future generations. Economic, social and technological factors all play a role in determining the best practical outcome for specific waste streams.

On the waste hierarchy, energy recovery is preferable to landfill because it recovers some value from the waste, reduces greenhouse gas emissions from organic waste and lessens the legacy impacts of landfills. However, it is less desirable than avoiding the generation of waste, reusing or recycling materials.

The Queensland Government also recognises a hierarchy among EfW technologies, as shown in Figure 3. On this hierarchy, anaerobic digestion, a biological EfW process, is considered as recycling because it preserves nutrients, which can be returned to the soil. This can help to improve soil quality and tackle serious emerging land degradation issues. Anaerobic digestion also produces biogas that can be used as an energy source.

Processes for converting waste to solid or liquid fuels typically include separation or sorting steps to obtain suitable materials. Increased material sorting supports separation of recyclable materials, and the feedstock specifications for fuel production reduce potential conflicts with current or future recycling. This makes fuel production more desirable than EfW technologies, which accept unsorted feedstock.

Combustion and advanced thermal treatment technologies can process the widest variety of materials (residual wastes and recyclable) and thus pose the greatest potential conflict with reuse and recycling. The Queensland EfW policy will be developed to ensure the uptake of EfW does not impact on reuse and recycling activities.

Landfill gas capture and combustion emerged as a technological solution to manage landfill gas. The technology relies on the continued disposal of organic waste to landfill. However, it is still more desirable than landfilling without gas capture or energy recovery and is suitable for landfill sites which will continue to release combustible greenhouse gases for many years after closure.

Energy recovery and the circular economy

Transitioning to a circular economy for waste in Queensland is a priority under the waste strategy. Adopting circular economy principles and shifting away from the linear 'take-make-use-dispose' model will deliver benefits through reduced waste and improved resource efficiency. A circular economy has three main principles:

- design out waste and pollution
- keep products and materials in use through reuse, repair, remanufacture or (as a last resort) recycling
- regenerate natural systems (e.g. produce compost from organic waste to regenerate soils)

When these principles are put into practice during the transition to a circular economy, waste generation will decrease, which will lessen the need for waste treatment and disposal infrastructure, including EfW plants. Making a smooth transition to a circular economy therefore requires striking the right balance of EfW capacity for residual waste. An overcapacity of EfW in Queensland would be a disincentive to circular economy practices.

EfW can play a role in the transition to a circular economy provided the waste hierarchy is used as the guiding principle for waste management, and that choices are not made that undermine higher levels of waste avoidance, reuse and recycling.

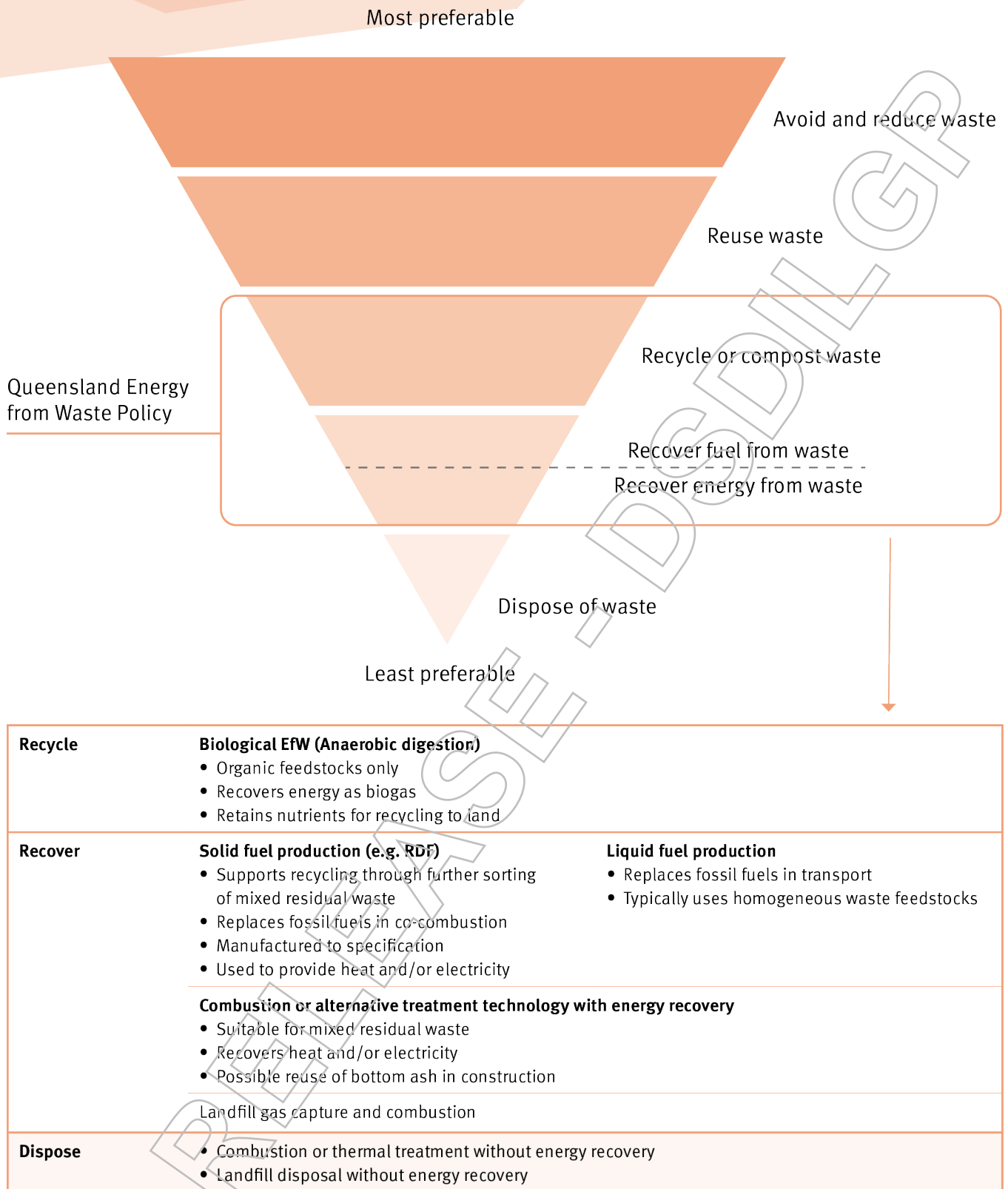


Figure 3: Role of EfW in the waste hierarchy

EfW policy in Australia

From the 1930s to the 1990s, large-scale municipal incinerators and small-scale backyard incinerators without energy recovery, were used for waste disposal in Australia. However, concerns about air pollution and health impacts saw a shift away from incineration to reliance on landfill disposal. Incineration of municipal waste in Australia ceased in the late 1990s.

In the years since, incineration technology has continued to develop around the world, with an increasing focus on energy recovery and pollution control. Over time, environmental regulations and standards have also become more robust and strict to ensure protection of the environment and human health.

More recently, EfW for mixed residual waste as part of an integrated waste management solution has resurfaced in Australia. Several EfW facilities have been proposed in various states, with construction of the first new EfW plant for MSW commenced in late 2018 in Kwinana, Western Australia (WA).

State and territory governments recognise the need for a coherent and strategic approach to this significant, long-term infrastructure, and have begun to develop EfW policies. New South Wales (NSW) published an EfW policy in 2015, and WA issued a position statement in 2013. Victoria, South Australia, the Australian Capital Territory published consultation documents, but have not finalised EfW policies. Tasmania and the Northern Territory have not published EfW policies. The policy and consultation documents released in various Australian states and territories demonstrate broad alignment and address the following key issues:

- application of the waste hierarchy over the short and long term
- the need to control air quality and other environmental impacts and protect public health
- the importance of community acceptance and social licence to operate.

There are key differences in the scope of the policies beyond combustion of mixed residual waste and approaches to demonstrating that residual waste is acceptable for energy recovery.

All current Australian EfW policies draw on the stringent, modern standards and environmental controls developed by the European Union. This makes it easier for technologies which have matured in the European market to be adopted in Australia.

EfW projects in Australia

A range of EfW technologies has been developed in Queensland and around Australia, under existing policy and approvals frameworks. These have generally remained small-medium scale, accepting homogeneous, low risk feedstock, for example:

- combustion of wood and agricultural waste
- pilot scale pyrolysis of waste oil or tyres
- anaerobic digestion at sewage treatment plants, intensive livestock operations and food processing facilities.

The scale and risk of these projects has not warranted any specific policy development.

Over the last five years, larger scale EfW projects have begun to gain traction. Several anaerobic digestion facilities accepting commercial and industrial waste streams are now operational, and the first EfW plant for mixed residual waste is under construction in WA. There are also a number of dedicated facilities producing refuse derived fuel from commercial and industrial waste.

These projects are not funded as essential infrastructure; they are expected to offer an attractive investment for the private sector. The business case for these projects relies on policy clarity and certainty, and on appropriate policy instruments which recognise the financial drivers for EfW investment. These vary significantly between EfW technologies.

Thermal EfW facilities typically have a large capital investment and long asset life of 20-30 years, and rely on gate fees from waste feedstock and the sale of generated energy as the primary revenue stream. Landfill levies enable EfW facilities to charge higher gate fees for waste feedstock, whilst remaining competitive with landfills, and consequently support the EfW business case. Alternatively, banning certain wastes from going to landfill can redirect material to EfW or other recovery facilities, despite higher costs.

In contrast, anaerobic digestion facilities, particularly in the current Australian context, are most frequently co-located within an existing organic waste-producing site such as a sewage treatment plant, food processing facility or intensive livestock operation. Disposal of internally-generated waste and behind-the-meter energy use are the key drivers for anaerobic digestion investments. Acceptance of external waste to boost energy generation and create gate fee revenue is increasingly common, but is rarely the primary driver for facility development. Corporate social responsibility of large organic waste generators, such as major retailers or food producers, can also create the market for anaerobic digestion.

Obtaining approvals for development, environmental and grid connection frequently proves to be challenging for facilities which are the first of their kind in each jurisdiction, even when the proposed technology is mature elsewhere. Clear policy and approvals processes and seed-funding support will help realise EfW opportunities in Queensland.

Case study: Anaerobic digestion at Richgro, WA

Since 2015, compost-producer Richgro has been accepting 35,000 tonnes of commercial and industrial waste feedstock each year for anaerobic digestion.

Organic waste from markets, supermarkets and breweries is converted into electricity, which powers the composting facility. An additional 1.7 megawatts of renewable energy is exported to the electricity grid. Digestate from the anaerobic digestion process is added to Richgro's composting process, thus recycling nutrients back into the soil.

This combination of high-quality feedstock, electricity demand, and a productive outlet for the digestate created an attractive commercial opportunity for large-scale anaerobic digestion. However, seed-funding grants played an important role in helping the project through the lengthy design and approvals process, as the first facility of its kind in WA.



Photo 1: Richgro's anaerobic digestion facility (source: Biogas Renewables)

International EfW policy

Thermal and biological EfW processes and solid fuel production are widely adopted technologies internationally. Local drivers and contexts have shaped markedly different EfW adoption patterns around the world.

Constrained landfill availability is typically the primary driver for extensive EfW development. This can be due to lack of suitable sites, social and environmental concerns preventing new landfills, or legislative instruments such as landfill bans, mandatory waste diversion targets and prohibition of waste transport for disposal.

Social licence to operate is critical and is the common feature of jurisdictions which have established a large EfW fleet. Successful social licence to operate requires accepted emissions control standards, and a perception that EfW provides a useful or necessary urban function through waste destruction and/or provision of affordable heating.

Waste treatment remains the primary purpose of thermal EfW plants. In areas where electricity generation has been specifically incentivised, thermal EfW plants make a very small contribution to national electricity supply and are not discussed within national electricity policies. However, wider renewable energy agendas and incentives can benefit EfW infrastructure, particularly where anaerobic digestion taking only organic feedstock can be classed as a 100 percent renewable source.

The ability to deliver energy in forms other than electricity is an important driver for site selection. For example the proximity to urban populations with demand-led district heating systems, co-location with heat-demanding industrial facilities or biogas injection to an existing gas network can offer attractive co-location opportunities.

Different policy and economic contexts have created uneven development of recycling and resource recovery capacity. Within the European Union, waste export between European Union members helps match waste to its most appropriate use, however some countries are reliant on the import of waste to ensure efficient operation of large scale EfW facilities. Processed engineered fuel production is a relatively inexpensive option which is currently supporting the waste hierarchy during the circular economy transition.

Case study: Refuse-derived fuel at Wetherill Park and Berrima Cement Works

In 2018, ResourceCo in a joint venture with Cleanaway, opened a new resource recovery facility in Wetherill Park, western Sydney. It sorts 250,000 tonnes of waste each year, extracting recyclable materials and producing a refuse-derived fuel (RDF) from suitable residual waste. The RDF replaces over 100,000 tonnes per year of coal consumption at the Boral Berrima cement kiln.

The Wetherill Park facility received \$5 million from the NSW Government and \$30 million in debt finance from the Clean Energy Finance Corporation, recognising the important role that it plays in supporting the waste hierarchy and sorting waste materials to their most appropriate fate.



Photo 2: RDF Facility at Wetherill Park (source: ResourceCo)

Towards an EfW policy for Queensland

The role of EfW in Queensland

The importance of prioritising waste avoidance, reduction, reuse and recycling in line with the waste hierarchy cannot be overstated. The Queensland Government has already implemented several initiatives specifically aimed at reducing waste generation and increasing resource recovery. These initiatives, which are anticipated to contribute to sustainable waste reduction and recycling, include:

- a ban on the supply of single-use lightweight plastic shopping bags since 1 July 2018
- a Container Refund Scheme to improve recycling of beverage containers since 1 November 2018
- the development of strategic partnerships to improve the management of organic wastes
- the development of a Plastic Pollution Reduction Plan
- the introduction of a waste disposal levy commencing 1 July 2019
- the delivery of a \$100 million Resource Recovery Industry Development Program over three years
- the development of a \$5 million Waste to Biofutures Fund.

The Queensland Government acknowledges that EfW has a role to play in better waste management for Queensland during the transition to a circular economy. After all practical and economically viable opportunities to reduce, reuse and recycle wastes have been exhausted, EfW can be used to extract useful energy (fuels, electricity, heat) from the residual waste before final disposal. This is consistent with the waste hierarchy (Figure 3).

Thermal EfW technologies cannot contribute to Queensland's recycling targets. However, they can recover value from residual waste that is not practical or economically viable to separate and recycle. This would help Queensland meet its landfill diversion target. The composition of residual waste will change over time as recycling improves and Queensland transitions to a more circular economy. EfW infrastructure must be flexible enough to accommodate this change.

The adoption of EfW in Queensland would complement the delivery of a number of Queensland Government commitments around climate change and industry development as explained below.

Zero net emissions future

The Queensland Climate Transition Strategy sets a vision of a zero net emissions future for Queensland that supports jobs, industries, communities and the environment. This vision represents Queensland's contribution to the global effort to reduce carbon pollution and arrest damaging climate change.

Although the waste management sector in Queensland accounted for less than two percent of the state's greenhouse gas emissions in 2016¹, EfW can contribute to a zero net emissions future in several ways:

- The energy (fuels and power) generated from waste using some EfW technologies can reduce reliance on energy from fossil fuels and avoid the associated greenhouse gas emissions.
- Diverting organic waste (e.g. sugarcane bagasse, and biosolids from the sewage treatment process) from landfill and into EfW potentially produces lower greenhouse gas emissions and in most cases retains nutrient value that can be returned to soils.

Renewable energy target

The path to achieving a zero net emissions future includes a commitment to generate 50 percent of Queensland's energy from renewable sources by 2030. Under the Commonwealth *Renewable Energy (Electricity) Act 2000*, energy derived from organic wastes may be regarded as renewable energy. Any renewable component of electricity generated from waste would be consistent with the Queensland Government's commitment to reach 50 percent renewable electricity generation by 2030. This includes energy derived from wood waste, agricultural waste, food and food processing waste, biomass-based components of municipal waste, landfill gas, sewage gas, and biomass-based components of sewage. This type of energy is also referred to as 'bioenergy'. Energy derived

¹ Queensland Government 2018, *Total annual greenhouse gas emissions*, viewed 19 April 2019, <<https://www.stateoftheenvironment.des.qld.gov.au/pollution/greenhouse-gas-emissions/total-annual-greenhouse-gas-emissions>>.

from waste products made from fossil fuels (e.g. traditional plastics) does not count as renewable energy or bioenergy.

Biofutures sector development

EfW technologies that produce fuels, and recover heat and electricity from organic wastes complement the vision set out in the Advance Queensland Biofutures 10-Year Roadmap and Action Plan (Biofutures Roadmap). The Biofutures Roadmap seeks to create a \$1 billion sustainable biotechnology and bioproducts sector underpinning regional, high-value and knowledge-intensive jobs. Projects supported under the Biofutures Roadmap include, for example, those focussed on the production of transport fuels from organic wastes.

Question

1. Do you agree that energy should be extracted from residual waste materials rather than disposing of those materials to landfill, if there are no other available alternatives for reusing or recycling the waste materials?

Risk-based EfW framework

Proposed principles

Principle 1: A risk-based approach will be used to guide and manage the development of EfW infrastructure.

Rationale:

A three-pathway approach is proposed, to deliver a policy framework that responds appropriately to the different EfW technologies. The three pathways will deliver a risk-based approach that safeguards human and environmental health, while also creating opportunities for greater resource recovery and innovation in Queensland. The three pathways are:

- Pathway 1: Technologies established and operating in Queensland
- Pathway 2: Operationally viable and mature technologies
- Pathway 3: Development and demonstration of emerging technologies.

If this proposed framework becomes policy, any applications received for an EfW environmental authority would be assessed against the framework to determine which of the three pathways and policy requirements, would apply. The characteristics, waste feedstock, and policy requirements associated with each pathway are discussed further below.

Pathway 1: Technologies established and operating in Queensland

Pathway 1 recognises established EfW technologies currently operating in Queensland with known risks. It supports efficient approvals and regulation under existing processes to maximise the environmental, economic and social benefits which these technologies can generate for Queensland.

The Queensland EfW policy will highlight the role that these technologies play within the state's broader resource recovery agenda without creating additional regulatory burden or barriers to project development.

Table 3: Technology characteristics and proposed policy requirements for Pathway 1

Technology characteristics	Technology and waste feedstock examples	Proposed policy requirements
<p>Treats low-risk or homogenous waste streams.</p> <p>Environmental and human health risks of the technology are well understood. Measures to mitigate the risks are known and effective. Any risk remaining after application of the mitigation measures is low.</p> <p>Regulators and the wider community have confidence the facility can be managed in a safe and appropriate manner.</p>	<p>Combustion with energy recovery uncontaminated biomass (e.g. untreated timber or agricultural biomass).</p> <p>Energy recovery from bagasse.</p> <p>Combustion of shredded tyres/tyre derived fuel in cement kilns.</p> <p>Anaerobic digestion of sewage sludge.</p> <p>Anaerobic digestion of single stream organic waste (e.g. from food processing or intensive livestock operations).</p> <p>Landfill gas capture and combustion.</p>	<p><i>The EfW policy would set clear requirements and expectations regarding:</i></p> <p>Obtaining appropriate development approvals and environmental authorities under existing regulatory frameworks.</p> <p>Complying with operating conditions imposed under existing licencing frameworks, including standards for air emissions and disposal of residues.</p> <p>Applying the waste disposal levy on any residues disposed to landfill.</p>

Pathway 2: Operationally viable and mature technologies

Pathway 2 will help Queensland take advantage of mature EfW technologies that have been proven in other jurisdictions. Mature technology refers to technology with a proven track record that can reliably and commercially operate on given waste feedstocks. This pathway will give regulators and communities confidence that technologies which are new to Queensland will be safe and reliable. A clear and rigorous policy for bringing EfW technologies into Queensland will allow proponents of mature and well-proven technologies to navigate the approvals process confidently and efficiently, while deterring inappropriate or risky projects.

Provision of detailed operational data is key to this pathway because the performance of EfW technologies varies significantly with size, and feedstock composition. Under Pathway 2, proponents would have to provide decision-makers with appropriate and accurate performance data from a fully operational reference facility to assess the potential environmental and human health risks of the proposed facility.

Table 4: Technology characteristics and proposed policy requirements for Pathway 2

Technology characteristics	Technology and waste feedstocks examples	Proposed policy requirements
<p>The technology is well understood and has been operating at full scale with similar waste for at least five years in a jurisdiction similar to Queensland.</p> <p>Environmental and human health risks have been identified and controlled to acceptable levels in a jurisdiction similar to Queensland.</p> <p>Standard guidelines, practices and operating controls are available from other jurisdictions.</p> <p>The proponent can provide at least three years of operational data from a reference facility operating at full scale with similar feedstock under comparable regulatory governance. Data from the design, modelling or commissioning phases alone is not acceptable to demonstrate operational performance.</p> <p>The operational data would include air emissions, energy balance and mass balance. Characterisation of the feedstock used to generate the performance data, and the resulting outputs/residues would also be needed.</p>	<p>Combustion of mixed residual waste (MSW/C&I) with energy recovery.</p> <p>Advanced thermal treatment of some homogenous wastes or pre-treated waste.</p> <p>Co-combustion of RDF in industrial facilities.</p> <p>Biofuel production from agricultural waste using established processes.</p>	<p><i>The EfW policy would set clear requirements and expectations regarding:</i></p> <p>Obtaining appropriate development approvals and environmental authorities under existing regulatory frameworks.</p> <p>Engaging with the community and obtaining social licence to operate.</p> <p>Responsibilities on the waste generator and facility operator to ensure that the feedstock is consistently appropriate, is residual, and that there is no practical higher order use under the waste hierarchy.</p> <p>Specific testing, monitoring and reporting requirements to build regulatory and community confidence in the sound performance of the facility.</p> <p>Compliance with relevant international best practices (refer to section below on "Managing Potential Environmental Impact").</p> <p>Applying the waste disposal levy on any residues disposed to landfill.</p>

Pathway 3: Development and demonstration of emerging technologies

Pathway 3 will support innovation and entrepreneurship in Queensland in a safe and transparent way. The Queensland government actively supports research, development and commercialisation of new technologies through programs like the Queensland Biofutures Roadmap, and this work will be complemented by the Queensland EfW Policy.

Pathway 3 will allow Queensland to take the lead in establishing new EfW technologies which tackle challenging feedstocks, unlock high-value resources or develop new technologies to suit our regional centres.

Table 5: Technology characteristics and proposed policy requirements for Pathway 3

Technology characteristics	Technology and waste feedstocks examples	Proposed policy requirements
<p>The technology has been validated in a laboratory setting with intended feedstock, but has not been proven at full scale with intended feedstock.</p> <p>The effective mitigation measures for the potential operational or legacy risks of the technology have not been demonstrated.</p> <p>Technology Readiness Level 7 to 9 under the Australian Renewable Energy Agency classification guidelines² (see Table 6).</p>	<p>New processes for biofuel production from waste feedstocks.</p> <p>Small-scale mixed-waste EfW units.</p> <p>Advanced thermal treatment of mixed waste.</p>	<p><i>The EfW policy would set clear requirements and expectations regarding:</i></p> <p>Application of the precautionary principle as set out in the Intergovernmental Agreement on the Environment³. That is, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</p> <p>Obtaining appropriate development approvals and environmental authorities under existing regulatory frameworks.</p> <p>The scale and throughput of the activity, and duration of any environmental authority issued for the activity.</p> <p>Agreed criteria to demonstrate the technology performance over an agreed duration and allow the regulator and the community to understand risks and mitigation measures.</p> <p>Smooth transition to Pathway 2 once the technology has demonstrated adequate technical performance.</p>

Table 6: Australian Renewable Energy Agency Technology Readiness Levels²

Summary of the nine Technology Readiness Levels
<ol style="list-style-type: none"> 1. Basic principles observed and reported 2. Technology concept and/or application formulated 3. Analytical and experimental critical function and/or characteristic proof-of-concept (proof of concept validation with analytical or laboratory studies) 4. Technology basic validation in a laboratory environment 5. Technology basic validation in a relevant environment 6. Technology model or prototype demonstration in a relevant end-to-end environment 7. Technology prototype demonstration in an operational environment 8. Actual technology completed and qualified through test and demonstration in an operational environment 9. Actual technology proven through successful operations

² Australian Renewable Energy Agency 2014, *Technology readiness levels for renewable energy sectors*, viewed 19 April 2019, <https://arena.gov.au/assets/2014/02/Technology-Readiness-Levels.pdf>

³ Department of Environment and Energy, *Intergovernmental agreement on the environment*, viewed 20 May 2019, <https://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement>

Questions

2. Does the proposed three-pathway framework for EfW technologies provide an appropriate, risk-based approach? What additional or alternative characteristics of EfW proposals should be considered?
3. How should a proposal or technology type transition from Pathway 3 (demonstration) to Pathway 2?

Safeguarding the waste hierarchy

Proposed principles

Principle 2. The Queensland Government must consistently apply the waste hierarchy. Regulation and policy must ensure that energy recovery does not undermine recycling, and that disposal does not undermine appropriate energy recovery.

Principle 3. Energy recovery is only appropriate for residual wastes which it is not practically or economically viable to recycle.

Principle 4. The composition of residual waste will change over time as recycling improves and Queensland transitions to a circular economy. EfW facilities must be designed to accommodate this change.

Rationale

It is essential that government policies consistently reflect the waste hierarchy, which places EfW below recycling but above disposal. Waste materials can be diverted to higher-order reuse or recycling through source-separation, or through sorting of mixed wastes, and only residual waste must be used for energy recovery.

Some EfW technologies require separated, uncontaminated feedstocks, for example conversion of waste oils to biofuels, or anaerobic digestion of food waste. These technologies do not typically pose a risk to higher order recovery because they are selective about feedstock. Engagement with waste generators to obtain acceptable, clean feedstock can be a challenge for these types of facilities.

Setting the parameters around what is considered 'residual waste' will help to ensure that EfW does not undermine reuse and recycling. Residual waste refers to the waste remaining after all practical and economically-viable measures have been taken to reuse and recycle waste. In practice, this requires separating recyclable waste at the source of generation (e.g. kerbside), or pre-processing the waste stream at the EfW facility. The residual waste streams that may be potentially suitable for EfW are summarised in Table 7.

Table 7: Key waste streams potentially suitable for EfW

Key waste streams	Suitability for EfW
Municipal (MSW) – includes kerbside collections, bulky household waste, street sweepings, litter, and illegally dumped waste.	General waste (red bin lid) from councils that also offer a kerbside recycling (yellow bin lid) service are generally suitable for thermal EfW. Street sweepings, and illegally dumped waste.
Commercial and Industrial (C&I) – encompasses many sources and compositions, from small businesses and shopping centres, to large, industrial processes.	Dry C&I residual waste are suitable for processing to a refuse-derived fuel. Some organic C&I streams (e.g. food-processing waste) are highly suitable for anaerobic digestion. Mixed residual C&I is suitable for thermal EfW infrastructure.
Construction and demolition (C&D) – dominated by heavy, inert materials such as soil, concrete, brick rubble and steel.	Only a small fraction of C&D materials, such as wood waste, could be sent for energy recovery.
Other streams – includes agricultural waste and similar waste streams, which are not generally captured in waste data.	Organic waste are highly suitable for production of biogas or liquid fuels. Other homogenous, source-segregated waste types such as tyres or non-recyclable plastics are suitable for EfW.

Source separation of recyclables

EfW operators provide an end-of-pipe service and thus have little influence over the source separation processes of waste generators. However, clearly articulated waste acceptance criteria, as part of an environmental authority for an EfW facility, can define the waste types accepted at the facility and can be used to prohibit or deter clearly inappropriate loads, such as single-stream recyclable materials.

It is important that EfW facilities for mixed residual waste can adapt to changes in the residual waste stream over time. For example, most councils will need to implement source separation of organic material to meet the recycling targets within the waste strategy. Also, residual waste will decrease over time as advances are made in waste avoidance practices, and recycling technologies. EfW facilities accepting residual waste from councils would be expected to plan for and accommodate this change.

Waste pre-processing at EfW facility

Pre-sorting of mixed residual waste to extract recyclable materials prior to energy recovery is another option. However, this imposes a significant additional cost for energy recovery facilities and recovers lower quality and contaminated recyclable materials which are difficult to process.

In order to genuinely safeguard the waste hierarchy, any policies which restrict waste acceptance at EfW facilities in order to protect higher order material recovery, must also apply to landfill disposal.

Questions

4. What role should facility operators, collection contractors and local councils be expected to play in ensuring that only appropriate residual waste is accepted for energy recovery?
5. What should the requirements be for safeguarding current and future resource recovery? Does the solution involve source-segregation, pre-processing or both?
6. Should the Queensland Government ban specific materials from EfW facilities, or from both landfill and EfW facilities?

Promoting genuine energy recovery

Proposed principle

Principle 5. To be considered genuine energy recovery, thermal EfW facilities must meet a minimum energy efficiency threshold that is consistent with international best practice.

Rationale

Genuine energy recovery is an important criteria for thermal EfW. The type of energy produced by thermal EfW plants depends on the specific technology (see Table 2), but mainly includes heat and/or fuel such as syngas produced by gasification technologies. The heat produced may be used to produce hot water, or steam (in a steam boiler). The steam is commonly used for industrial or district heating systems, and occasionally as the driving force for cooling and air conditioning systems. It may also be converted to electricity in a steam turbine, which is then supplied to the national grid or used on the site of generation. The energy recovered from waste reduces the consumption of conventional energy from fossil fuel sources.

If an energy recovery requirement is not imposed as part of the approval process for thermal EfW, infrastructure could be developed which accept waste but produce very little or no energy. Whilst this would reduce waste volumes to landfill and potentially produce lower greenhouse gas emissions than landfill for organic waste, it should be considered disposal under the waste hierarchy, and should not receive any incentives on the basis of avoiding waste disposal.

The European Union has developed the R1 Energy Efficiency Formula (the R1 criteria)⁴ to assess genuine energy recovery, and facilities that meet it are classed as recovery rather than disposal. It was developed based on the practical performance of well-designed facilities recovering either electricity, heat or both. The R1 criteria is equivalent to converting approximately 25 percent of the energy generated from the waste into electricity only. Facilities which also capture useful heat achieve a much higher energy efficiency. The relative lack of demand for heat in Queensland's warm climate could make achieving R1 more challenging. Strategically siting thermal EfW facilities to supply heat or steam to industrial processes would support better energy efficiency.

NSW has adopted the R1 criteria in their EfW policy, while other Australian jurisdictions have cited the R1 criteria in their discussions on EfW. The R1 criteria is being considered as the minimum energy efficiency threshold for thermal EfW facilities in Queensland.

It is not proposed to impose energy recovery performance criteria on EfW processes which produce solid, liquid or gaseous fuels, because these processes typically support recycling through source separation and/or additional sorting of mixed waste. In addition, the business model of waste-to-fuel processes relies more heavily on the value of the fuel product, creating a financial driver to maximise fuel quality and energy efficiency. Consequently, they support the waste hierarchy, and energy performance criteria are not required to distinguish them from disposal processes.

Question

7. Should thermal EfW processes be required to meet the European R1 Criteria? Why/why not?

⁴ Guidelines on the R1 criteria are available at: <http://ec.europa.eu/environment/waste/framework/pdf/guidance.pdf>

Managing potential environmental impact

Proposed principles

Principle 6. Queensland should adopt international best practice standards and guidelines for managing the environmental impacts of EfW technologies.

Rationale

The potential environmental impacts of EfW facilities include impacts from air emissions, disposal of residues, odour, dust, noise, traffic, litter/vermin and other amenity impacts. Strong environmental protection measures are needed to minimise these potential impacts on communities and the environment and manage residual risks.

Under Queensland's existing regulatory framework, a proponent for an EfW facility would be required to obtain an environmental authority to lawfully operate the facility. The potential environmental impacts of the proposal would be rigorously assessed as part of this process, and an environmental authority granted only if the facility was deemed able to comply with the state's environmental protection laws.

An EfW policy for Queensland would further safeguard the environment by setting clear standards and requirements for EfW facilities under each pathway, commensurate with the risks. The EfW Policy would also ensure application of the precautionary principle as set out in the Intergovernmental Agreement on the Environment⁵. The precautionary principle requires that, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In applying the precautionary principle, decisions should be guided by careful evaluation to avoid serious or irreversible damage to the environment; and by a risk assessment of the consequences of various options.

EfW technologies that would fall under Pathway 1, are currently operating effectively and safely in Queensland. These technologies are well understood with risks that can be effectively managed using existing regulatory instruments, guidelines and standard operating controls. In particular, the requirements and conditions applied as part of the environmental approvals process are sufficient to manage the risks. It is not proposed to introduce any additional environmental controls for Pathway 1.

Pathway 2 of the proposed Queensland EfW policy will set clear processes and requirements to support appropriate adoption of EfW technologies which are mature and well-proven in other jurisdictions, but not yet established in Queensland. This process will help to build understanding and confidence among regulators and the community, through rigorous and transparent environmental performance data.

Requirements for environmental controls under Pathway 2 will make use of existing international guidelines and accepted best practice. This will allow Queensland to take advantage of the extensive knowledge developed in jurisdictions where the technology is already mature. It will also allow technology providers to bring mature technologies to Australia and clearly demonstrate acceptable performance based on operational reference facilities that meet the same best-practice standards.

It is proposed to adopt the following European best practice guidance as the primary guidelines for Pathway 2 technologies in Queensland:

- Best Available Techniques Reference Documents (BREF) for Waste Incineration
- BREF for Waste Treatment (includes anaerobic digestion and solid and liquid fuel production).

The current BREF for Waste Incineration was adopted in 2006. An updated version has reached the final draft stage, and is expected to be adopted later in 2019. The updated BREF is based on extensive operational data from incineration facilities across Europe, whereas the current BREF was developed on the basis of 'expert advice'. The BREF for Waste Incineration covers, among other things, limits on emissions to air and water, and requirements for treatment of wastes (e.g. fly ash and bottom ash) from thermal processes.

It is proposed to adopt the updated 2019 BREF in Queensland for thermal EfW technologies under Pathway 2. This would align with the proposed Pathway 2 requirement to present operational data from a reference facility processing similar waste at a similar scale and under a similar regulatory framework.

⁵ More information on this agreement is available on the Australian Government website at <https://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement>

Once a technology approved under Pathway 2 has become established within Queensland and standard guidelines, controls and regulatory processes have been developed, the technology can transition to Pathway 1 and any future proposals based on the same technology would be assessed under Pathway 1. Environmental controls (e.g. limits on air emissions) established through the Pathway 2 process will continue to apply under Pathway 1 as part of standard guidelines and approval conditions for that technology. A technology would be regarded as being established (and thus eligible to transition to Pathway 1), once it has been lawfully operating under an environmental authority in Queensland for a period of time.

Requirements under Pathway 3 will allow proponents to demonstrate their technology's performance, and manage risks using clear, time-bound limitations on the scale, feedstock and siting and environmental emissions for Pathway 3 facilities. The demonstration conducted under Pathway 3 will create an evidence base which would enable an informed, case-by-case decision to be made on whether the technology should progress to Pathway 2.

The application of the BREF to Pathway 3 proposals would be determined on a case-by-case basis.

Question

8. Do you agree that the European BREF for Waste Incineration and BREF for Waste Treatment are appropriate guidance documents for Pathway 2 technologies? Why/why not?

Case study: Australian Paper - proposed EfW facility in Victoria

In November 2018, Australian Paper received a Works Approval from the Environment Protection Authority Victoria (VIC EPA) for a proposed EfW facility at its Maryvale site. The proposed facility is based on moving grate combustion technology and would process up to 650,000 tonnes per year of residual MSW as well as C&I waste. The project will require a series of further approvals, including an operating licence from the VIC EPA. However, the works approval is a significant step towards the establishment of a largescale EfW facility for mixed waste in Victoria.

The Australian Paper proposal made use of the BREF for Waste Incineration in their design, in order to demonstrate acceptable environmental performance. The VIC EPA also considered the proposed EfW facility against the BREF for Waste Incineration, and the European Union Industrial Emissions Directive. Alignment with these internationally accepted best practice guidelines gave the VIC EPA confidence to issue the works approval.

Planning approvals for EfW Facilities

Proposed principles

Principle 7. Queensland needs a clear, consistent and well-informed assessment process for new waste technologies.

Rationale

In Queensland, there are several assessment pathways and associated legislative frameworks for seeking planning and environmental approvals for waste and resource recovery infrastructure. Depending on the proposed activity, the assessment pathway can include a number of legislative requirements under different Acts, as well as a range of local and state planning instruments.

A significant EfW proposal, such as large-scale combustion of residual waste, could be approved under one of the following pathways:

- Assessment of development under the *Planning Act 2016* by local government under the local planning scheme and concurrent assessment by a state agency, likely to be the State Assessment and Referral Agency (SARA), of state interests triggered by the development.
- Assessment of development under the *Economic Development Act 2012* for projects located in a 'Priority Development Area'.
- Assessment of development under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) for projects located in a State Development Area.

In addition to obtaining development approval, an EfW project will also likely require other approvals including an environmental authority under the *Environmental Protection Act 1994*.

Under the SDPWO Act, an application may be made to the Coordinator-General to declare a 'coordinated project'. The Coordinator-General decides whether a proposal meets the criteria to be declared a coordinated project requiring an environmental impact statement or impact assessment report, and then issues an evaluation report, which serves to streamline the subsequent approvals processes identified in the scenarios above.

There are concerns from industry with respect to the various assessment pathways available, each requiring different processes, public consultation and involvement from different levels of government with varying understanding of EfW technologies. Lengthy assessment timeframes, uncertainty in obtaining approval and encroachment issues from sensitive land uses are significant deterrents for future investment in EfW projects and infrastructure.

The complexity and uncertainty surrounding the assessment pathways specific to EfW projects poses a deterrent to the development of an EfW industry in Queensland, and to Queensland's ability to effectively manage waste and recover resources during the transition to a circular economy. There is currently no clear guidance for proponents to identify the most appropriate assessment pathway for EfW projects.

The success or failure of major EfW proposals will have significant implications for the state-wide Waste and Resource Recovery Infrastructure Plan currently being developed as part of the waste strategy. In this context, greater state coordination and involvement in the assessment of significant EfW proposals under Pathway 2 would be beneficial. However, Queensland's planning legislation does not currently identify objective triggers for state coordination of the approval process for EfW facilities.

The waste strategy, and the Resource Recovery Industries 10-year Roadmap and Action Plan (the Roadmap) have both identified actions to review the Queensland planning and assessment framework to address the complexity and uncertainties for waste and resource recovery proponents (including EfW proponents). This broader review will determine whether any changes are required to the existing assessment pathways for EfW proposals. The EfW policy will aim to provide greater clarity and guidance around the existing planning and approvals processes for proposals under EfW Pathways 1 to 3, and will be updated if necessary to incorporate any recommendations from the broader review.

Questions

9. What aspects of the current planning and assessment framework do you think require clarification?
10. How can the planning process support effective community engagement?
11. What role should the government play in assessing significant EfW proposals?

Community engagement

Proposed principle

Principle 8. Proponents of EfW facilities must demonstrate that they have engaged appropriately and transparently with communities impacted by the proposed facilities.

Rationale

EfW can be a particularly contentious topic in communities and it is essential that the right stakeholders are involved in project decision-making appropriately, considerately and authentically. This is particularly critical for technologies under Pathway 2, which operate at a significant scale but are not yet well understood by the Queensland community. There is a very real risk that ineffective community consultation could result in technically-, and environmentally-sound EfW proposals being rejected, cancelled or delayed, resulting in missed opportunities for Queensland to recover resources and meet its ambitious landfill diversion targets.

Proposed principles of engagement

It is proposed that all EfW projects classed under all EfW pathways must undertake community consultation, following principles of engagement shown in Table 8.

Table 8: Proposed principles of engagement

Principle	What this means in practice
Community engagement will be authentic and transparent.	<p>It will be clear which decisions can be influenced by community input and which cannot.</p> <p>The results of community engagement will be communicated back to the community – engagement will 'close the loop'.</p> <p>Information will be shared transparently with the community in a manner that encourages mutual trust.</p>
Community engagement	Engagement activities will be as inclusive and accessible as possible and will take into account

will be inclusive.	any specific requirements of community groups with special needs, such as cultural and linguistic diversity, indigenous values or restricted mobility.
Community engagement will be respectful.	Stakeholders and the community can expect to have their concerns actively listened to. Engagement will acknowledge the expertise, perspective and needs of the community and stakeholders. Likewise, expectations of the community are that respect is mutual, and that stakeholders will be open, trustworthy and respectful when taking part in all engagement processes
People have a right to participate in decisions about matters that affect them.	If a project is going to have an impact on the community, the community has a right to be informed about that project and for their opinions and feedback to be included in decision making. Engagement activities and information sharing will be done in a timely manner that allows appropriate time for consideration and contributions.

Responsibilities

All parties have a responsibility to ensure the engagement principles (Table 8) are adhered to at all stages of the project. Additional responsibilities for engagement are proposed in Table 9.

Table 9: Stakeholder responsibilities for community engagement

State Government agencies	Local government	Proponents
<p>Provide relevant guidance on best-practice community engagement.</p> <p>Work collaborative with local government and community groups to help all stakeholders understand current policies for waste management, resource recovery, energy recovery and environmental protection.</p> <p>Work collaboratively with proponents to review and approve engagement plans, as appropriate for the overall project approval pathway.</p> <p>Facilitate identification and access to appropriate stakeholder groups (within the bounds of relevant privacy legislation).</p>	<p>Work collaboratively with proponents to review and approve engagement plans, as appropriate for the overall project approval pathway.</p> <p>Facilitate identification and access to appropriate stakeholder groups (within the bounds of relevant privacy legislation).</p>	<p>Plan and undertake consultation activities in line with the engagement principles.</p> <p>Ensure local and state government are informed throughout the engagement planning and execution process.</p>

Questions

12. Do you agree with the proposed stakeholder engagement principles and responsibilities? Is there anything you would add or change?
13. How could proponents demonstrate that they have followed the proposed principles of engagement?
14. Should proponents of EfW facilities be required to demonstrate that they have obtained a social licence to operate the proposed facility? How would this be demonstrated?

Case study: Avertas Energy waste-to-energy facility, WA

Australia's first modern thermal waste-to-energy facility for mixed residual waste commenced construction in 2019, with expected completion by 2021.

The project reached financial close in October 2018. It was privately funded with \$275 million equity from Macquarie Capital and Dutch Infrastructure Fund and \$400 million debt including \$90 million from the Clean Energy Finance Corporation. The project reached financial close without a confirmed solution for bottom ash reuse, supported by a \$23 million grant funding from Australian Renewable Energy Agency to validate suitable bottom ash reuse opportunities which will be new for Australia. Confirmed waste supply contracts from four local councils were critical to the project reaching financial close.

The project will:

- Divert 400,000 tonnes per year of MSW and C&I waste from landfill, equivalent to approximately one quarter of Perth's residual waste
- Generate 36MW net electricity
- CO2 emissions reduction of approximately 400,000 tonnes per year compared to landfilling
- Increase investment and employment in the region
- Be sited in a major industrial precinct 40km south of the Perth CDB.



Photo 3: Artists impression of the Avertas Energy facility in Kwinana

Join the discussion

It is believed that EfW has a role to play in helping Queensland to achieve its ambitious landfill diversion targets of 90 percent of waste by 2050, during a broader transition to a circular economy. To provide clarity and certainty around EfW in Queensland, several high-level policy principles have been proposed to guide the development of EfW facilities in Queensland. The proposed principles will, among other things, minimise risks of harm to human health and the environment, and help to ensure that EfW does not undermine higher order reuse and recycling, and that proponents understand the importance of obtaining social licence to operate EfW facilities.

Your feedback is invited on the proposed policy principles, through the specific consultation questions summarised below.

Proposed principles

Principle 1: A risk-based approach will be used to guide and manage the development of EfW infrastructure.

Principle 2. The Queensland Government must consistently apply the waste hierarchy. Regulation and policy must ensure that energy recovery does not undermine recycling, and that disposal does not undermine appropriate energy recovery.

Principle 3. Energy recovery is only appropriate for residual wastes which it is not practically or economically viable to recycle.

Principle 4. The composition of residual waste will change over time as recycling improves and Queensland transitions to a circular economy. EfW facilities must be designed to accommodate this change.

Principle 5. To be considered genuine energy recovery, thermal EfW facilities must meet a minimum energy efficiency threshold that is consistent with international best practice.

Principle 6. Queensland should adopt international best practice standards and guidelines for managing the environmental impacts of EfW technologies.

Principle 7. Queensland needs a clear, consistent and well-informed assessment process for new waste technologies.

Principle 8. Proponents of EfW facilities must demonstrate that they have engaged appropriately and transparently with communities impacted by the proposed facilities.

Consultation questions

1. Do you agree that energy should be extracted from residual waste materials rather than disposing of those materials to landfill, if there are no other available alternatives for reusing or recycling the waste materials?
2. Does the proposed three-pathway framework for EfW technologies provide an appropriate, risk-based approach? What additional or alternative characteristics of EfW proposals should be considered?
3. How should a proposal or technology type transition from Pathway 3 (demonstration) to Pathway 2?
4. What role should facility operators, collection contractors and local councils be expected to play in ensuring that only appropriate residual waste is accepted for energy recovery?
5. What should the requirements be for safeguarding current and future resource recovery? Does the solution involve segregation, pre-processing or both?
6. Should the Queensland Government ban specific materials from landfill, or from both landfill and EfW facilities?
7. Should thermal EfW processes be required to meet the European R1 Criteria? Why/why not?
8. Do you agree that the European BREF for Waste Incineration and BREF for Waste Treatment are appropriate guidance documents for Pathway 2 technologies? Why/why not?
9. What aspects of the current planning and assessment framework do you think require clarification?
10. How can the planning process support effective community engagement?
11. What role should the government play in assessing significant EfW proposals?
12. Do you agree with the proposed stakeholder engagement principles and responsibilities? Is there anything you would add or change?
13. How could proponents demonstrate that they have followed the proposed principles of engagement?
14. Should proponents of EfW facilities be required to demonstrate that they have obtained a social licence to operate the proposed facility? How would this be demonstrated?

Make a submission

Submissions are encouraged from interested parties. You can provide your feedback on the consultation questions by:

Email: wastepolicy@des.qld.gov.au

Mail: Energy-from-waste paper

Office of Resource Recovery

Department of Environment and Science

GPO Box 2454, Brisbane QLD 4001

Submissions are due by 5pm on Monday 26 August 2019.

RTI RELEASE - DSDIL GP

Appendix 1: Stakeholders consulted

Group	Stakeholder consulted
Environmental advocacy	Boomerang Alliance National Toxics Network
Peak bodies	Australian Organics Recyclers Association (AORA) Local Government Association of Queensland (LGAQ) Queensland Water Directorate Timber Queensland Tyre Stewardship Australia (TSA) Waste Management and Resource Recovery Association of Australia (WMRR) Waste and Recycling Industry Association of Queensland (WRIQ)
Waste management and resource recovery industry	Cleanaway Energy Developments Pty Ltd (EDL) JJ Richards & Sons REMONDIS ResourceCo
Energy industry	Energy Queensland
Federal Government	Australian Renewable Energy Agency (ARENA) Clean Energy Finance Corporation (CEFC) Commonwealth Scientific and Industrial Research Organisation (CSIRO) Department of Environment and Energy
State Governments	New South Wales Environment Protection Authority (NSW EPA) South Australia Environment Protection Authority (SA EPA) Environment Protection Authority Victoria (EPA VIC) Department of Environment, Land, Water and Planning (DELWP), Victoria
Local Government	Brisbane City Council Townsville City Council
Academia	University of Southern Queensland

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2020
(WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

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

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response to address concerns raised by the Ipswich City Council (the **council**) and the local community in respect to landfill and waste industry uses occurring in the Swanbank / New Chum industrial area.
- 2.2 This TLPI seeks to balance economic state interests against social and environmental state interests, at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum industrial area, whilst not adversely affecting any state interest.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, and amenity (including visual amenity).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Swanbank / New Chum industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving uses, from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Swanbank / New Chum Buffer Area or Swanbank / New Chum Waste Activity Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and
 - (vi) “Waste Activity Use”.
 3. includes two waste activity regulation areas:
 - (i) “Swanbank / New Chum Buffer Area”; and
 - (ii) “Swanbank / New Chum Waste Activity Area”

4. prescribes the categories of assessment and assessment benchmarks for “Waste Activity Uses”; and
5. includes a land use code, being the “Swanbank / New Chum Waste Activity Code”.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is the day on which public notice of the TLPI is published in the Queensland Government Gazette.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by—
 - (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary on the Swanbank / New Chum Waste Activity Area Map in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the “Swanbank / New Chum Waste Activity Code”; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

- 8.1 “**Clean Earthen Material**” means—
 - (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 300mm; or
 - (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document ‘Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater’, forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.
- 8.2 “**Compost Manufacturing Enclosed**” means—
 - (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or

-
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
 - (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 “**Compost Manufacturing Unenclosed**” means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 “**Landfill**” means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a mining void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

8.5 “**Rehabilitating a mining void**” means–

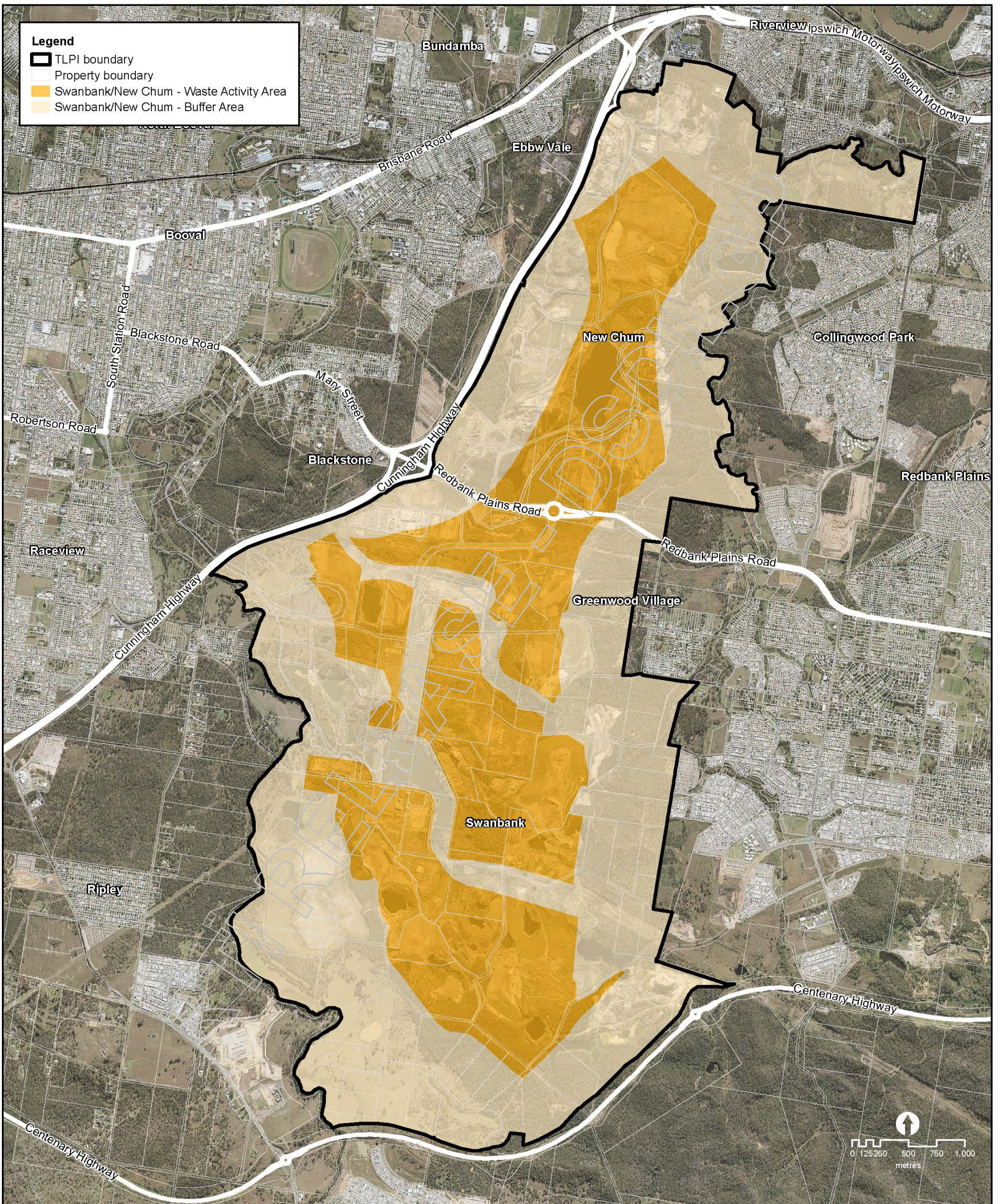
- (a) the filling of a mining void involving only ‘clean earthen material’.

8.6 “**Waste Activity Use**” means–

the use of premises for:

- (a) “Compost Manufacturing Enclosed”;
- (b) “Compost Manufacturing Unenclosed”;
- (c) “Landfill”; and
- (d) “Rehabilitating a mining void”.

8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.



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

To the extent permitted by law, The Department of State Development, Manufacturing, Infrastructure and Planning gives no warranty in relation to the material or information contained in this data (including accuracy, reliability, completeness or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including indirect or consequential damage) relating to any use of the material or information contained in this Data, and responsibility or liability for any loss or damage arising from its use.



Swanbank / New Chum Waste Activity Code

1. Swanbank / New Chum Waste Activity Code

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

2. Compliance with the Swanbank / New Chum Waste Activity Code

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

3. Overall Outcomes / Purpose for the Swanbank / New Chum Waste Activity Code

- (1) The overall outcomes are the purpose of the Swanbank / New Chum Waste Activity Code.
- (2) The overall outcomes for the Swanbank / New Chum Waste Activity Code are:
 - (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
 - (b) Waste Activity Uses:
 - (i) do not have a detrimental impact on the amenity of surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

4. Specific Outcomes for the Swanbank / New Chum Waste Activity Code

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving “Landfill” or “Compost Manufacturing Enclosed” occurs only in the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving “Compost Manufacturing Unenclosed” does not occur in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and

-
- (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
- (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) are designed, operated and maintained so that exposed waste is not visible from surrounding residential and other sensitive receiving uses at any time
- (6) Waste Activity Uses are developed in a manner that:
- (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive receiving uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby residential and other sensitive receiving uses; and
 - (c) the generation of noise or light overspill does not cause nuisance or disturbance to surrounding and nearby residential and other sensitive receiving uses.
- (8) Applications to change or expand an existing Waste Activity Use:
- (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty, that improved amenity, environmental or community outcomes are able to be achieved; and
 - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
SWANBANK / NEW CHUM BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code
SWANBANK / NEW CHUM WASTE ACTIVITY AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Swanbank/New Chum Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Swanbank/New Chum Waste Activity Code
OTHER		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

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

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

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

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to landfill and waste industry uses occurring in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 2.2 This TLPI seeks to balance economic interests against social and environmental interests, at significant risk of being impacted by the current and expected waste activity proposals in the Ebenezer / Willowbank / Jeebropilly industrial area.
- 2.3 In particular, this TLPI seeks to further regulate applications for new or expanded waste activities to protect existing, approved and planned residential and other sensitive receiving uses from adverse impacts including odour, dust, noise, air quality, and amenity (including visual amenity).

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to regulate applications for new or expanded waste activities within the Ebenezer / Willowbank / Jeebropilly industrial area (located within the Ipswich local government area) to ensure this regionally significant economic area is appropriately regulated to protect existing, approved or planned residential and other sensitive receiving uses (including major events and motorsports uses), from adverse impacts associated with waste activities.
- 3.2 To achieve this purpose, the TLPI—
 1. includes Strategic Outcomes (called “Desired Environmental Outcomes” in the Ipswich Planning Scheme (Planning Scheme)) for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Ebenezer / Willowbank / Jeebropilly Buffer Area or Ebenezer / Willowbank / Jeebropilly Waste Activity Area.
 2. includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;

- (v) "Rehabilitating a mining void"; and
- (vi) "Waste Activity Use".
- 3. includes two waste activity regulation areas:
 - (i) "Ebenezer / Willowbank / Jeebropilly Buffer Area"; and
 - (ii) "Ebenezer / Willowbank / Jeebropilly Waste Activity Area"
- 4. prescribes the categories of assessment and assessment benchmarks for "Waste Activity Uses"; and
- 5. includes a land use code, being the "Ebenezer / Willowbank / Jeebropilly Waste Activity Code".

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2020.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day or such longer period as may be permitted by law or unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by–
 - (a) the Planning Scheme; or
 - (b) the Planning Act where the term is not defined in the Planning Scheme.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land identified as within the TLPI boundary on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map in **Attachment A**.

PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development against.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(1)
 - (b) **Attachment B**: the "Ebenezer / Willowbank / Jeebropilly Waste Activity Use Code"; and
 - (c) **Attachment C**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(1) of this TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Part 8.

PART 8 – DEFINITIONS

8.1 **“Clean Earthen Material”** means–

- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 300mm; or
- (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document ‘Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater’, forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

8.2 **“Compost Manufacturing Enclosed”** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.3 **“Compost Manufacturing Unenclosed”** means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

8.4 **“Landfill”** means–

- (a) the use of land for the disposal of material such as domestic waste, putrescible waste, organic waste, regulated waste, building waste, commercial and industrial waste or the like, to raise the level of the site, or to fill or partly fill a mining void on a site.
- (b) The term includes the reprocessing of material from landfill on or off site.

8.5 **“Rehabilitating a mining void”** means–

- (a) the filling of a mining void involving only ‘clean earthen material’.

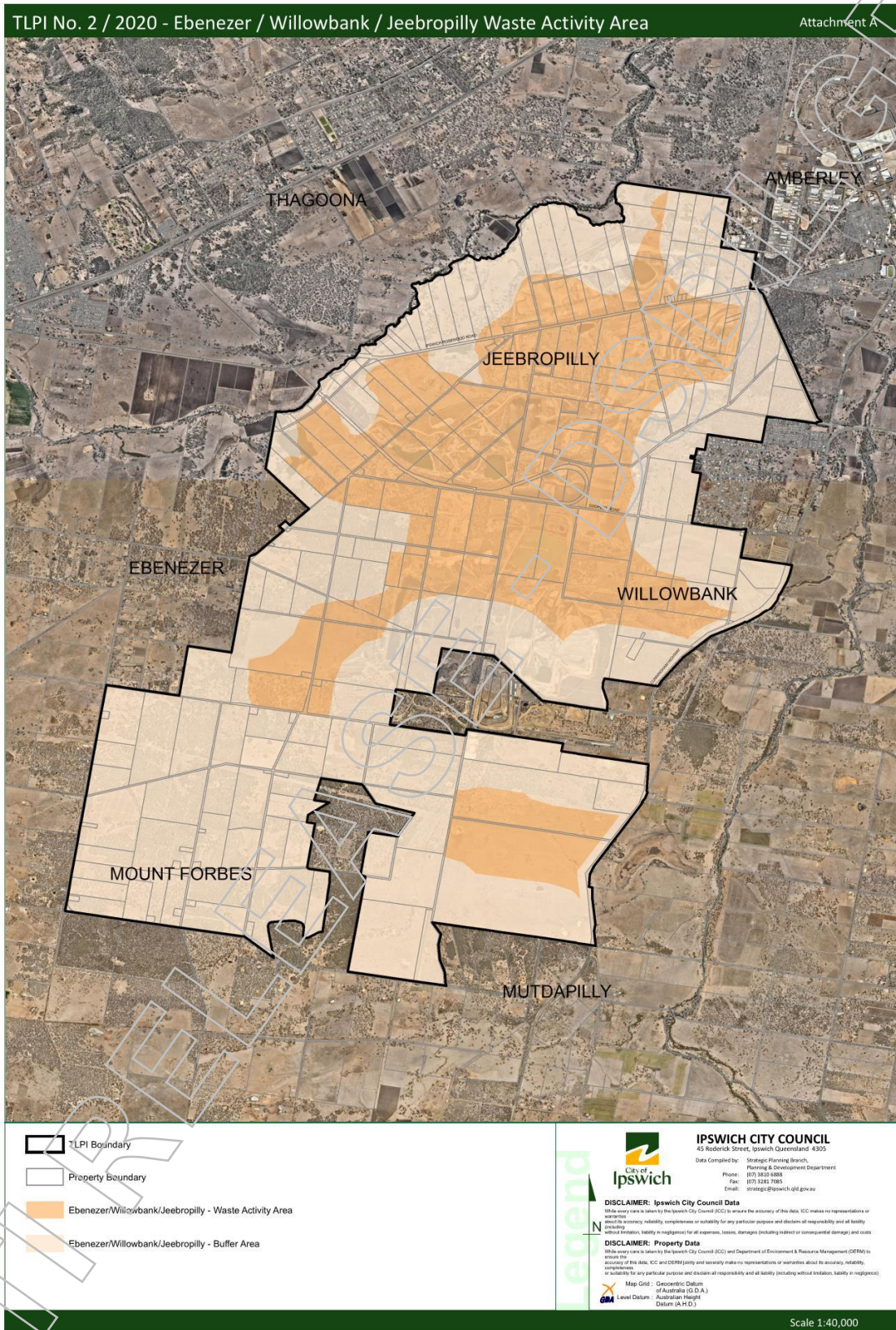
8.6 **“Waste Activity Use”** means–

the use of premises for:

- (a) “Compost Manufacturing Enclosed”;
- (b) “Compost Manufacturing Unenclosed”;
- (c) “Landfill”; and
- (d) “Rehabilitating a mining void”.

8.7 Any use not defined in Part 8 above, shall have the meaning assigned to it by the Planning Scheme.

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



ATTACHMENT B

Ebenezer / Willowbank / Jeebropilly Waste Activity Code

1. Ebenezer / Willowbank / Jeebropilly Waste Activity Code

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

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

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

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

- (1) The overall outcomes are the purpose of the Ebenezer / Willowbank / Jeebropilly Waste Activity Code.
- (2) The overall outcomes for the Ebenezer / Willowbank / Jeebropilly Waste Activity Code are:
- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Ebenezer / Willowbank / Jeebropilly Waste Activity Code, constitute undesirable development and are unlikely to be approved.
- (b) Waste Activity Uses:
- (i) do not have a detrimental impact on the amenity of surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses (including major events and motor sports uses); and
 - (ii) do not have a significant impact on visual amenity from residential and other sensitive receiving uses (including major events and motor sports uses); and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses (including major events and motor sports uses); and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

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

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving “Landfill” or “Compost Manufacturing Enclosed” occurs only in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving “Compost Manufacturing Unenclosed” does not occur in the Ebenezer / Willowbank / Jeebropilly Buffer Area or the Ebenezer / Willowbank / Jeebropilly Waste Activity Area as shown on the Ebenezer / Willowbank / Jeebropilly Waste Activity Area Map.
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
 - (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
 - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) are designed, operated and maintained so that exposed waste is not visible from surrounding residential and other sensitive receiving uses (including major events and motor sports uses) at any time.
- (6) Waste Activity Uses are developed in a manner that:
 - (a) establishes and maintains native vegetation buffers to improve amenity or environmental impacts particularly where situated close to residential areas or riparian corridors; and
 - (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and
 - (c) does not adversely affect surface or ground water quality, including through storm water runoff or the dewatering of former mines, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.

- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses); and
 - (c) the generation of noise or light overspill does not cause nuisance or disturbance to surrounding and nearby residential and other sensitive receiving uses (including major events and motor sports uses).
- (8) Applications to change or expand an existing Waste Activity Use:
- (a) may be given favourable consideration where it can be clearly demonstrated, with a high degree of certainty that improved amenity, environmental or community outcomes are able to be achieved;
 - (b) are not likely to be approved where such changes may lead to increased detrimental amenity, environmental or community outcomes.

ATTACHMENT C

Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
EBENEZER / WILLOWBANK / JEEBROPILLY BUFFER AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity Use other than involving Rehabilitating a Mining Void – inconsistent use	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
EBENEZER / WILLOWBANK / JEEBROPILLY WASTE ACTIVITY AREA		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity Use involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Ebenezer / Willowbank / Jeebropilly Waste Activity Code
OTHER		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme



Queensland Government Gazette

**LOCAL GOVERNMENT
PUBLISHED BY AUTHORITY**

ISSN 0155-9370

Vol. 383]

FRIDAY 3 APRIL 2020

[No. 67

Planning Act 2016

**IPSWICH CITY COUNCIL PUBLIC NOTICE
ADOPTION OF TEMPORARY LOCAL PLANNING INSTRUMENT
TEMPORARY LOCAL PLANNING INSTRUMENT NO. 2 OF 2020
(WASTE ACTIVITY REGULATION)**

Notice is given that Ipswich City Council has adopted Temporary Local Planning Instrument (TLPI) No. 2 of 2020 (Waste Activity Regulation), in accordance with section 23 of the *Planning Act 2016* and Minister's Guidelines and Rules.

The purpose and general effect of TLPI No. 2 of 2020 is to regulate applications for waste activities within the Ebenezer/Willowbank/Jeebropilly Waste Activity 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.

The TLPI No. 2 of 2020 applies to land within the suburbs of Willowbank, Ebenezer, Jeebropilly, Mount Forbes, Mutdapilly and Amberley, and suspends and otherwise affects the operation of the provisions contained in the *Ipswich Planning Scheme 2006* to the extent of matters outlined in the TLPI No. 2 of 2020.

The TLPI No. 2 of 2020 commenced on 28 January 2020, being the early effective day approved by the Minister in accordance with section 9(4) of the *Planning Act 2016*. The TLPI No. 2 of 2020 will cease to have effect on 27 January 2022 or such longer period as may be permitted by law or unless repealed sooner.

Copies of TLPI No. 2 of 2020 are available for inspection and purchase at the Planning and Development Counter, Ipswich City Council Administration Building, 45 Roderick Street, Ipswich or can be viewed and downloaded from the Ipswich City Council's Planning and Development website at ipswichplanning.com.au/planning-documents/other-documents

David Farmer
CHIEF EXECUTIVE OFFICER

© The State of Queensland 2020

Copyright protects this publication. Except for purposes permitted by the Copyright Act, reproduction by whatever means is prohibited without prior written permission. Inquiries should be addressed to:
Gazette Advertising, GPO Box 2457, Brisbane QLD 4001.

BRISBANE
3 April 2020

Page Number 44

This page has been left blank intentionally

RTI RELEASE - DSDIL GP

Notices

Legal Notices

STATUTORY NOTICE TO CREDITORS - SECTION 67 TRUSTS ACT 1973

Deceased: **RUTH MARY MOTTLEE**

Last address: 4A Gayton Court, Bundaberg, in the State of Queensland

Address in Will: 4A Gayton Court, Bundaberg, in the State of Queensland

Date of Death: 14 September 2021
Any creditor or other person who has a claim on the estate of the deceased is required to send particulars of that claim to the applicant's solicitors named below within 6 weeks of the date of this notice. At the end of that period, the applicant will distribute the assets of the deceased among the persons entitled to those assets. In doing so, and relying on section 67 of the Trusts Act 1973, the applicant will have regard only to the claims of which the personal representative has been notified.

Lodged by: Charltons Lawyers Thorburn House 14 Quay Street, Bundaberg Qld 4670

Tenders, Quotes & Contracts

St Aidan's Anglican Girls' School wish to call for expressions of interest for the construction of Stage 2 of their Sports Precinct at Ambiwerra, Erinvale Street, Corinda.



Project Scope will be fully defined in the tender documents but includes:

- ca. 1,700m² Enclosed Sports Building
- Café, Offices, Store, Flexible Learning Area
- Landscape and Hardscape Area;
- Civil works including a new dam, cut and fill.

Please email expressions of interest by 15/12/21 to jamesh@dmpartners.com.au

Please note: These works are currently under assessment by the Department of State Development, Infrastructure, Local Government and Planning as part of a Ministerial Infrastructure Designation (MID) process. This expression of interest in no way assumes the approval or otherwise of the MID. Any MID will be issued by the Planning Minister in line with the Planning Act 2016.

Public Notices

The Villanova College Terry Hendle Bursary offers support to prospective and current students who experience financial hardship and would not otherwise be able to access education at Villanova College. The Bursary eligibility guidelines and application form can be accessed via <https://www.vnc.qld.edu.au/our-community/busaries/>

Looking for car parts?



buy
search
sell
.com.au

Public Notices

Planning Act 2016

NOTICE OF THE MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2021 (RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION) (TLPI No. 1/2021)
IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister assisting the Premier on Olympics Infrastructure, notify that I have made TLPI No. 1/2021 in accordance with section 27(3) of the *Planning Act 2016* and the Minister's Guidelines and Rules. TLPI 01/2021 has effect on Friday, 10 December 2021 and it has effect for a period of two years unless repealed sooner.

Purpose and General Effect

TLPI No. 1/2021 is a temporary local planning instrument under section 23 of the *Planning Act 2016*. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument but does not amend or repeal the instrument.

The purpose of TLPI No. 1/2021 is to regulate development applications for new or expanded waste activities on land within the TLPI boundary of the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly areas in the Ipswich region to ensure these regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities, facilitate and manage the restoration of areas affected by past mining operations, and the immediate and long-term protection and improvement of the natural environment.

Location of Area to which TLPI No. 1/2021 Applies

TLPI No. 1/2021 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank / New Chum Regulation Area and the Ebenezer / Willowbank / Jeebropilly Regulation Area, which are Figures 1 to 3 of the TLPI.

Further Information

Copies of TLPI No. 1/2021 are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's SEQ West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. TLPI No. 1/2021 can also be viewed online at planning.statedevelopment.qld.gov.au/tlpi.

For more information, please telephone Planning and Development Services, Department of State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure



Queensland Government

buy search sell .com.au

Planning Act 2016

NOTICE OF REPEAL OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2020 (WASTE ACTIVITY REGULATION) (TLPI 01/2020) AND TEMPORARY LOCAL PLANNING INSTRUMENT No. 2 of 2020 (WASTE ACTIVITY REGULATION) (TLPI 02/2020)
IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure, notify that I have repealed TLPI 01/2020 and TLPI 02/2020 in accordance with sections 24 and 27(3) of the *Planning Act 2016*.

Purpose and General Effect

TLPI 01/2020 and TLPI 02/2020 are temporary local planning instruments under section 23 of the *Planning Act 2016* that took effect on 1 April 2020 and 28 January 2020 respectively. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument, but does not amend or repeal the instrument.

Under section 27(1) of the *Planning Act 2016*, I have determined it is necessary to repeal TLPI 01/2020 and TLPI 02/2020 and to replace them both with a new temporary local planning instrument I will make under section 27(3) of the *Planning Act 2016* immediately after TLPI 01/2020 and TLPI 02/2020 have been repealed.

Location of Area to which TLPI No. 1 of 2020 and TLPI No. 2 of 2020 Applies

TLPI No. 1 of 2020 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank / New Chum Regulation Area, identified as Attachment A to the TLPI.

TLPI No. 2 of 2020 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Ebenezer / Willowbank / Jeebropilly Waste Activity Area, identified as Attachment A to the TLPI.

Further Information

Copies of my notice of repeal are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's SEQ West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. The notice can also be viewed online at planning.statedevelopment.qld.gov.au/tlpi.

For more information, please telephone Planning and Development Services, Department of State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

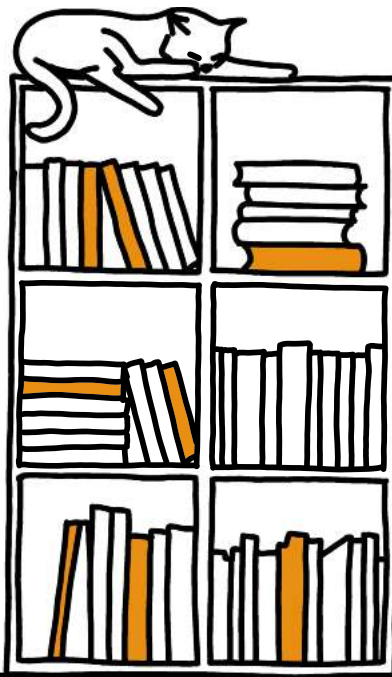


Queensland Government

buy
search
sell
.com.au

A real page turner

Refresh your bookshelf at Buy Search Sell.





RTI RELEASE - DSDIL GP

Energy from Waste Policy Discussion paper

Consultation report



Prepared by: Office of Resource Recovery, Department of Environment and Science

© State of Queensland, 2020.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Disclaimer

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. Information contained in this document is from a number of sources and, as such, does not necessarily represent government or departmental policy.

If you need to access this document in a language other than English, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone Library Services on +61 7 3170 5470.

This publication can be made available in an alternative format (e.g. large print or audiotape) on request for people with vision impairment; phone +61 7 3170 5470 or email <library@des.qld.gov.au>.

June 2020

#31860

Contents

Introduction	1
Overview of the discussion paper	1
How we consulted	2
Who responded.....	3
What was the feedback?	4
General feedback	4
Risk-based EfW framework.....	5
Safeguarding the waste hierarchy	6
Safeguarding the waste hierarchy - defining residual waste	7
Safeguarding the waste hierarchy - changes in residual waste.....	9
Promoting genuine energy recovery	10
Managing potential environmental impact	11
Planning approvals for EfW facilities.....	12
Community engagement	15
Appendix A: Stakeholders who made a submission.....	17

RTI RELEASE - DSDILGRP

Introduction

On 1 July 2019, the Queensland Government released the Waste Management and Resource Recovery Strategy (the waste strategy), which envisions Queensland as a zero-waste society in which waste is avoided, reused and recycled as much as possible. For waste that cannot be avoided, reused or recycled, the waste strategy outlines the development of an energy-from-waste (EfW) policy to guide activities that can recover energy from residual waste materials.

To inform development of the EfW policy, the Queensland Government released the *Energy from Waste Policy Discussion Paper* (discussion paper) for public consultation. Submissions were accepted during the period 8 July to 26 August 2019. At the close of consultation, 81 submissions were received from academics, consultants, the general community, environmental groups, local governments and industry.

During the consultation period, seven consultation workshops on the discussion paper were conducted by Arup on behalf of the Department of Environment and Science (DES). A total of 169 stakeholders attended these workshops across Queensland.

This report outlines the consultation process on the discussion paper and summarises the feedback received.

Overview of the discussion paper

The discussion paper identified the proposed role for energy-from-waste (EfW) in Queensland and how EfW could support implementation of the waste strategy. Specifically, it was recognised that EfW has a role to play during Queensland's transition to a circular economy, by extracting further value (energy) from residual waste materials after exhausting all practical and economically viable opportunities to avoid, reduce, reuse, and recycle those materials.

The discussion paper outlined eight proposed high-level principles to help guide EfW developments in a way that ensures human health and the environment are protected while safeguarding reuse and recycling activities. To elicit public feedback, 14 questions were also posed to help measure public opinion on the issues. The principles and associated questions (with the numbering presented in the discussion paper) are summarised in Table 1.

Table 1: Proposed principles and consultation questions posed in the discussion paper

Proposed Principle	Associated consultation questions)
Principle 1: A risk-based approach will be used to guide and manage the development of EfW infrastructure.	<p>Question 1 (labelled 'Question 2' in the discussion paper): Does the proposed three-pathway framework for EfW technologies provide an appropriate, risk-based approach? What additional or alternative characteristics of EfW proposals should be considered?</p> <p>Question 2 (labelled 'Question 3' in the discussion paper): How should a proposal or technology type transition from Pathway 3 (demonstration) to Pathway 2?</p>
Principle 2: The Queensland Government must consistently apply the waste hierarchy. Regulation and policy must ensure that energy recovery does not undermine recycling, and that disposal does not undermine appropriate energy recovery.	Question 3 (labelled 'Question 1' in the discussion paper): Do you agree that energy should be extracted from residual waste materials rather than disposing of those materials to landfill, if there are no other available alternatives for reusing or recycling the waste materials?
Principle 3: Energy recovery is only appropriate for residual wastes which it is not practically or economically viable to recycle.	<p>Question 4: What role should facility operators, collection contractors and local councils be expected to play in ensuring that only appropriate residual waste is accepted for energy recovery?</p> <p>Question 5: What should the requirements be for safeguarding current and future resource recovery? Does the solution involve segregation, pre-processing or both?</p> <p>Question 6: Should the Queensland Government ban specific materials from landfill, or from both landfill and EfW facilities?</p>
Principle 4: The composition of residual waste will change over time as recycling improves and Queensland transitions to a circular economy. EfW	Nil

facilities must be designed to accommodate this change.	
Principle 5: To be considered genuine energy recovery, thermal EfW facilities must meet a minimum energy efficiency threshold that is consistent with international best practice.	Question 7: Should thermal EfW processes be required to meet the European R1 Criteria? Why/why not?
Principle 6: Queensland should adopt international best practice standards and guidelines for managing the environmental impacts of EfW technologies.	Question 8: Do you agree that the European Best Available Techniques Reference Documents (BREF) for Waste Incineration and BREF for Waste Treatment are appropriate guidance documents for Pathway 2 technologies? Why/why not?
Principle 7: Queensland needs a clear, consistent and well-informed assessment process for new waste technologies.	Question 9: What aspects of the current planning and assessment framework do you think require clarification? Question 10: How can the planning process support effective community engagement? Question 11: What role should the government play in assessing significant EfW proposals?
Principle 8: Proponents of EfW facilities must demonstrate that they have engaged appropriately and transparently with communities impacted by the proposed facilities	Question 12: Do you agree with the proposed stakeholder engagement principles and responsibilities? Is there anything you would add or change? Question 13: How could proponents demonstrate that they have followed the proposed principles of engagement? Question 14: Should proponents of EfW facilities be required to demonstrate that they have obtained a social licence to operate the proposed facility? How would this be demonstrated?

How we consulted

Preliminary discussions were conducted in the lead up to the consultation on the discussion paper. The general community, environmental interest groups, local governments, the waste management and resource recovery industry, and academia were all consulted. These processes are summarised in Table 2.

Table 2: Consultation to develop the discussion paper

Date	Consultation process
June–July 2018	Public consultation on the <i>Transforming Queensland's Recycling and Waste Industry Directions Paper</i> , which included a specific section on energy-from-waste
February–March 2019	Targeted consultation on the key principles for an EfW policy developed in collaboration with an EfW Technical Working Group established under the Recycling and Waste Management Stakeholder Advisory Group
February–April 2019	Public consultation on the <i>Draft Waste Management and Resource Recovery Strategy</i>
July–August 2019	Public consultation on the <i>Energy from Waste Policy Discussion Paper for Consultation</i>
July–August 2019	Targeted stakeholder workshops on the <i>Energy from Waste Policy Discussion Paper for Consultation</i>

Who responded

Table 3 summarises the number of written submissions received from each of the five stakeholder groups, with the responses from academics and consultants combined into a single group to simplify the report. The specific number of responses against each of the principles and questions in the discussion paper is detailed in Table 4. The list of stakeholders who made a submission on the discussion paper is provided in Appendix A.

Table 3: Total number of submissions received

	Academics and consultants	Community	Environmental groups	Industry	Local government	TOTAL
Number of submissions	5	27	6	37	6	81

Table 4: Number of submissions responding to the principles and questions in the discussion paper

Principles and Questions	Academics and consultants	Community	Environmental groups	Industry	Local government
Principle 1	1	1	Nil	4	Nil
○ Questions 1 & 2	3	5	4	10	5
Principle 2	1	1	Nil	6	2
○ Question 3	3	5	3	24	5
Principle 3	1	Nil	1	5	1
• Question 4	3	5	4	25	5
Principle 4	1	1	Nil	6	Nil
• Questions 5 & 6	3	5	4	27	5
Principle 5	1	1	Nil	5	1
• Question 7	3	4	2	26	5
Principle 6	1	2	Nil	5	1
• Question 8	3	4	2	24	5
Principle 7	1	1	Nil	4	2
• Questions 9, 10 & 11	3	5	4	21	5
Principle 8	1	1	Nil	3	2
• Questions 12, 13 & 14	3	5	4	25	5

What was the feedback?

This section presents the general feedback received followed by a discussion of the specific feedback on the principles and the consultation questions. The discussion of the general feedback is arranged by each stakeholder group, while the specific feedback is arranged in order of the eight principles proposed in the discussion paper.

General feedback

Academics and consultants

Respondents in this group were generally supportive of the EfW policy positions. There was support for classifying combustion without energy recovery as waste disposal, and for adopting the BREFs and the R1 criteria as voluntary standards and with modification to account for local Queensland conditions. It was suggested that the State Government, through an expert panel should have a role in assessing significant EfW projects.

Community

Community respondents provided a response to the discussion paper principles and questions, generally in agreement with the position of specific environmental interest groups. Although the EfW paper was not specific to any particular facility, a significant proportion of community respondents made specific mention of opposition to an EfW facility proposed for Ipswich.

A number of respondents strongly opposed EfW, in particular thermal EfW, expressing concerns including the potential for EfW facilities to degrade local air quality and generate odours, and the proximity of proposed facilities to communities. There were particular concerns around the potential for EfW facilities to be co-located adjacent to existing landfilling operations. A few respondents were supportive of EfW as an alternative to landfill but suggested more work was required higher up the waste hierarchy, such as source separation to recover organic materials for recycling. Several responses called for early community input, with transparent sharing of information.

Environmental groups

Environmental interest groups were opposed to EfW, in particular thermal EfW, as a waste management solution, calling instead for greater investment in recycling and improved regulation of existing waste facilities. Key issues identified by this group included:

- the potential health and environmental impacts of thermal EfW
- lack of confidence in the regulator to effectively regulate EfW based on specific experiences with the waste industry in Ipswich
- lack of confidence in the waste management industry to follow the rules
- concerns around the transparency and adequacy of current stakeholder engagement processes.

Stakeholders sought greater involvement of potentially impacted communities in the planning and approvals process, and felt strongly that proponents should be required to demonstrate social licence to operate. The same stakeholders expressed a lack of confidence in the integrity of proponent-led consultation processes.

Industry

Respondents in the industry group included several peak industry bodies and individual waste and resource recovery businesses. Industry stakeholders generally supported EfW and development of the policy. These stakeholders were concerned with:

- ensuring consistent application of regulation across all EfW facilities
- ensuring the policy does not hinder innovation
- proactive state involvement in developing waste industry precincts and EfW facilities
- greater state involvement in assessing significant EfW proposals
- whether DES has the requisite technical competence to fairly assess EfW technologies.

There was mixed support for a social licence requirement in the Policy, with those opposing the requirement suggesting that current processes were sufficient and greater emphasis should be placed on the efforts and engagement taken to obtain social licence.

There was also general support for adopting the BREFs, but mixed views on adopting the R1 criteria. Some opposed the R1 criteria over concerns that it could become a barrier to EfW investment, and unintentionally rule out lower calorific residual wastes used in co-processing facilities as both a source of energy and a replacement for raw materials.

Local government

Submissions were received from the peak local government organisation and five councils, all supportive of EfW and development of the Policy. The main concerns from these stakeholders were around ensuring international best practice criteria (in particular the R1 Criteria) were adapted to the Queensland context and not mandating it; ensuring consistent application of standards to all waste facilities; and providing support to local governments that lack the resources and capabilities to assess EfW proposals, without infringing on their decision-making powers.

Among the local government group, views on the planning and approvals framework diverged with some expressing satisfaction with the existing framework, and others advocating for greater state involvement in coordinating significant projects. There was also support for proponents to demonstrate social licence, with a request for further consultation with councils on assessment and regulatory responsibilities for EfW.

Risk-based EfW framework

Principles and questions

Principle 1	<p>A risk-based approach will be used to guide and manage the development of EfW infrastructure</p> <p>Three risk-based pathways for assessing environmental authority applications for EfW activities were proposed:</p> <ul style="list-style-type: none"> • Pathway 1: Technologies established and operating in Queensland • Pathway 2: Operationally viable and mature technologies • Pathway 3: Development and demonstration of emerging technologies
Question 2	Does the proposed three-pathway framework for EfW technologies provide an appropriate, risk-based approach? What additional or alternative characteristics of EfW proposals should be considered?
Question 3	<p>(Question 2 in the discussion paper)</p> <p>How should a proposal or technology type transition from Pathway 3 (demonstration) to Pathway 2?</p>

Feedback received

	Feedback	Department's response
Principle 1	<p>Most respondents supported the proposed approach.</p> <p>A few respondents disagreed with the framework over concerns with:</p> <ul style="list-style-type: none"> • its ability to manage health and environmental risks • inconsistencies if Pathway 1 and Pathway 2 technologies are regulated differently • the technical competence of the regulator to assess technologies under Pathways 2 and 3 • potential difficulties in proving jurisdictional similarity • proving operational performance when proposal is nuanced compared to the reference facility • the potential burden to small-scale projects in applying the Technical Readiness Levels (TRLs) • the focus on facilitating EfW sector growth before existing facilities have been made fit for purpose. 	<p>The suggestions have been noted.</p> <p>The three pathways have been streamlined into a single pathway that focuses on demonstrating operational performance.</p> <p>Where operational performance cannot be demonstrated (e.g. with emerging technologies that lack historical operational data), alternative data from the research and development stages will be required, and there may be greater/more frequent monitoring and reporting requirements.</p>
Question 1	<p>Several suggestions were made, including to:</p> <ul style="list-style-type: none"> • clarify and define specific terms • list feedstocks for the pathways • set performance indicators and milestones for Pathway 3 • use an inter-disciplinary expert panel to assess technologies • mandate social impact assessment under Pathway 3. <p>There was also a suggestion to be less prescriptive about technology characteristics and maturity, and focus on outcomes and benefits, and small-scale facilities suited to regional areas.</p>	

Question 2	<p>Respondents suggested a transition based on:</p> <ul style="list-style-type: none"> demonstrating ability to obtain and retain a social licence over at least five years of operation performance monitoring and evaluation of set criteria insurance and guarantees to manage technology risk, performance and facility cost proving commercial viability and compliance of relevant energy outputs with market standards independent expert assessment. 	<p>As there is now only one pathway instead of three, there is no need to demonstrate the 'transition' between pathways.</p>
------------	---	--

Safeguarding the waste hierarchy

Principles and questions

Principle 2	<p>The Queensland Government must consistently apply the waste hierarchy. Regulation and policy must ensure that energy recovery does not undermine recycling, and that disposal does not undermine appropriate energy recovery.</p>
Question 3	<p><i>(Question 1 in the discussion paper)</i></p> <p>Do you agree that energy should be extracted from residual waste materials rather than disposing of those materials to landfill, if there are no other available alternatives for reusing or recycling the waste materials?</p>

Feedback received

	Feedback	Department's response
<p>Principle 2</p> <p>Question 3</p>	<p>Some respondents supported the principle, but did not necessarily agree with all of the elements of the current waste hierarchy and their priority order. Some respondents suggested that:</p> <ul style="list-style-type: none"> fuel recovery should be elevated to above energy recovery to the level of recycling separating fuel recovery from other forms of energy was not justifiable landfill gas capture and combustion may sometimes provide greater greenhouse gas reductions compared to thermal EfW the waste hierarchy should be consistent with the 2018 National Waste Policy: Less waste, more resources the hierarchy should be applied flexibly, and include a proximity principle consideration to accommodate regional and remote areas where, due to tyranny of distance, EfW may provide a preferable outcome to recycling for large quantities of agricultural organic waste feedstock. <p>Some respondents did not support Principle 2, citing concerns about the health, environmental and social risks of mixed waste thermal EfW. A few went on to call for an outright ban or tax on mixed waste thermal EfW.</p>	<p>The suggestions have been noted.</p> <p>No changes have been made to the waste hierarchy, which is enshrined in the <i>Waste Reduction and Recycling Act 2011</i>.</p>

Safeguarding the waste hierarchy - defining residual waste

Principles and questions

Principle 3	<p>Energy recovery is only appropriate for residual wastes which it is not practically or economically viable to recycle</p> <p>To ensure that EfW does not undermine reuse and recycling, Principle 3 proposed to limit EfW to residual waste that is not practically or economically viable to recycle.</p>
Question 4	What role should facility operators, collection contractors and local councils be expected to play in ensuring that only appropriate residual waste is accepted for energy recovery?
Question 5	What should the requirements be for safeguarding current and future resource recovery? Does the solution involve segregation, pre-processing or both?
Question 6	Should the Queensland Government ban specific materials from landfill, or from both landfill and EfW facilities?

Feedback received

	Feedback	Department's response
Principle 3	<p>Some respondents agreed with this principle, but sought a clearer definition of 'residual waste'. Others called for non-recyclable materials to be allowed as EfW feedstock, and for actions (e.g. price-based mechanisms) to ensure recycling remains a preferred option.</p> <p>Several respondents disagreed with limiting energy recovery to residual waste, citing concerns that:</p> <ul style="list-style-type: none"> • EfW may sometimes provide a better economic and/or environmental outcome compared to recycling • restricting feedstock would affect financial viability. 	<p>Concerns have been noted.</p> <p>Waste avoidance, reuse and recycling remain top priorities.</p> <p>'Residual waste' has been defined more clearly to refer specifically to waste that is not 'technically, environmentally, and economically practicable to recycle'.</p>
Question 4	<p>Respondents identified the following roles:</p> <p>Collection contractors' role: Implement measures to facilitate, enforce, raise awareness of, and improve performance of source segregation.</p> <p>Facility operators' role: Adopt appropriate waste acceptance protocols, comply with environmental authority, and demonstrate that no better value can be derived from the feedstock</p> <p>Local government role:</p> <ul style="list-style-type: none"> • facilitate weekly food waste collection, cost-effective source segregation and drop off services • maximise material recovery through contracts, and establish feedstock agreements between all parties • invest in waste sorting, recycling, and feedstock screening • define a materials management strategy aligned with the waste hierarchy and ensure materials have a clear pathway to market. <p>In addition, some respondents suggested a role for the State Government, including :</p> <ul style="list-style-type: none"> • create viable remanufacturing and recycling industries • conduct unannounced compliance checks on facilities • support councils to incentivise waste reduction and segregation programs and to monitor waste from point of generation to recovery. 	<p>Suggestions have been noted.</p> <p>Specific operational documents will be developed to support the policy, including model operating conditions for EfW facilities, which would apply to the holder of the relevant environmental authority (i.e. the facility owner/ operator).</p>
Question 5	<p>Most respondents favoured a solution that included source segregation (alone or in combination with pre-processing). One submission suggested that the distance to facilities may make centralised pre-processing less desirable than source segregation in</p>	<p>Suggestions have been noted.</p> <p>To meet the targets of the waste strategy, it is anticipated that better separation of waste at source will</p>

	Feedback	Department's response
	<p>remote parts of Queensland.</p> <p>Several respondents suggested that the solution would be dependent on the waste stream, or should only be considered if practical and economically feasible.</p> <p>Two respondents expressed a preference for pre-processing at an EfW facility, while others suggested there could be a conflict of interest in requiring proponents to pre-process their own feedstock.</p> <p>The following additional measures were suggested:</p> <ul style="list-style-type: none"> • greater emphasis on compliance and education and behaviour change campaigns • tax incentives to encourage waste reduction and segregation • investment in source segregation and pre-processing facilities • exemptions for recycling residues from any further segregation or pre-processing requirements • introduction of bottle banks and collection points for recyclates • ban mixed waste incineration and other technologies that don't support reuse and recycling • procurement policies and incentives to develop recycled commodity markets. 	<p>be required, however consideration of mandatory requirements for source segregation or pre-processing is not required at this time.</p> <p>Proponents are required to demonstrate that the proposed feedstock meets the definition of residual waste (i.e. 'not technically, environmentally and economically practicable to recycle'). Additional guidance will be provided in an operational guideline.</p> <p>DES is currently implementing a kerbside collection project that will help councils identify best available kerbside collections arrangements that might warrant detailed investigations. Certain arrangements may contribute to reducing the amount of recyclates in residual waste streams. If appropriate, recommendations from the kerbside collection project will be incorporated into the operational guideline or inform future policy decisions by the Queensland Government.</p>
Question 6	<p>Several respondents supported landfill bans that:</p> <ul style="list-style-type: none"> • are implemented along with product stewardship schemes • are nationally coordinated to prevent material leakage and market distortions across jurisdictions • direct materials to reuse and remanufacturing, not incineration • apply to materials with recoverable energy content, organic waste, recyclates, textiles, e-waste, and problematic wastes. <p>Some respondents supported EfW bans, including bans on:</p> <ul style="list-style-type: none"> • low calorific value materials • incineration of mixed waste • tyres and tyre-derived fuels • refuse-derived fuels • materials that are toxic when burned. <p>Conversely, several respondents opposed EfW bans if the required energy output can be achieved, on the basis that EfW represents a better outcome than landfill. It was suggested that a ban would be justifiable if EfW would result in intractable residues, or environmental harm.</p> <p>Two respondents recommended that materials banned from EfW should also be banned from landfill.</p> <p>Other safeguard mechanisms suggested included:</p> <ul style="list-style-type: none"> • EfW and landfill ban on recyclable materials such as plastics • applying an increasing levy to EfW and/or landfill • gradually decreasing material acceptance at EfW facilities to match maturity in recycled commodity markets and achievement of the state recycling targets • requiring pre-treatment of putrescible waste going to landfill to make it inert, prior to introducing a landfill ban. 	<p>Suggestions have been noted. No changes required.</p> <p>Investigation of landfill disposal bans (and by extension EfW bans) has been identified as an action under the waste strategy as an enabler to stimulate supply of feedstock for recycling.</p> <p>Any recommendations of the investigation relevant to the EfW policy will be considered during the review of the EfW policy.</p>

Safeguarding the waste hierarchy - changes in residual waste

Principles and questions

Principle 4	<p>The composition of residual waste will change over time as recycling improves and Queensland transitions to a circular economy. EfW facilities must be designed to accommodate this change.</p> <p>It is important that EfW facilities, for mixed residual waste, can adapt to changes in the residual waste stream over time. Principle 4 was proposed as a means of ensuring facilities consider and plan for these changes.</p>
-------------	--

Feedback received

	Feedback	Department's response
Principle 4	<p>All submissions supported Principle 4, with a few registering some concerns.</p> <p>One respondent viewed the requirement for facilities to be 'designed to accommodate this change' as a measure of policy uncertainty for investors and felt it would be difficult to define. Another called for the policy to be flexible in permitting the use of waste streams that are unlikely to change over time.</p>	<p>The feedback has been noted.</p> <p>The EfW policy requires proponents to demonstrate how their facilities can accommodate changes to residual waste over time.</p>

RTI RELEASED

Promoting genuine energy recovery

Principles and questions

Principle 5	<p>To be considered genuine energy recovery, thermal EfW facilities must meet a minimum energy efficiency threshold that is consistent with international best practice</p> <p>EfW is preferred over landfill partly because it recovers energy that can offset non-renewable energy sources. This benefit diminishes with the amount of energy recovered. Principle 5 proposed to introduce an energy recovery criteria to distinguish thermal EfW from incineration for disposal. It was further suggested to adopt the European R1 Energy Efficiency Criteria and threshold in Qld.</p>
Question 7	Should thermal EfW processes be required to meet the European R1 Criteria? Why/why not?

Feedback received

	Feedback	Department's response
Principle 5 & Question 7	<p>Most respondents across all stakeholder groups agreed with Principle 5. Some explicitly supported the use of the R1 criteria because it is a known standard accepted by industry and financiers.</p> <p>Other respondents expressed reservations that the R1 criteria, derived in Europe, may not be an appropriate mandatory criteria for Queensland because:</p> <ul style="list-style-type: none"> • it does not allow for varying climatic conditions across the state as increased ambient temperatures can impact the ability to achieve R1 • smaller facilities inherently achieve lower R1 values and would have difficulty meeting the R1 threshold • smaller facilities may incur a significant compliance burden • there is less demand for domestic heat outputs in Queensland compared to the EU • it is unsuitable for all situations, such as using non-waste fuels blended with a waste material in a thermal process • it does not recognise that lower calorific waste streams may contain materials that are desirable for reasons other than energy recovery. <p>The following alternative recommendations were put forward:</p> <ul style="list-style-type: none"> • reduce the R1 threshold to the equivalent of converting 20% of the energy generated from the waste into electricity only • require produced energy to be exported to the grid, otherwise the facility should be classified as a waste disposal facility • adopt fundamental principles to guide energy efficiency: <ul style="list-style-type: none"> ○ the waste must replace a primary energy source ○ the majority of waste must be consumed ○ more energy must be generated than is consumed ○ energy generated must be recovered and used. 	<p>Concerns and suggestions have been noted.</p> <p>The R1 criteria applies to thermal EfW activities processing municipal solid waste, commercial and industrial waste, and construction and demolition waste.</p> <p>Facilities below the R1 threshold will be regarded as waste disposal facilities. The Queensland Government may consider extending the levy to apply to waste disposal via thermal destruction, however this is outside the scope of the EfW policy.</p> <p>There will be an expectation that the criteria would apply to relevant existing facilities five years after commencement of the EfW policy.</p> <p>DES will develop suitable R1 correction factors to account for Queensland's climate, other thermal processes that produce a range of energy outputs (e.g. pyrolysis and gasification), and facility sizes. These correction factors will be stipulated in the supporting operational guidelines, and be incorporated into the EfW policy during its review.</p>

Managing potential environmental impact

Principles and questions

Principle 6	<p>Queensland should adopt international best practice standards and guidelines for managing the environmental impacts of EfW technologies</p> <p>Under Queensland's existing regulatory framework, a proponent for an EfW facility would be required to obtain an environmental authority to lawfully operate the facility. Principle 6 proposed the adoption of international best practice to manage and regulate the impacts of EfW technologies.</p>
Question 8	<p>Do you agree that the European BREF for Waste Incineration and BREF for Waste Treatment are appropriate guidance documents for Pathway 2 technologies? Why/why not?</p>

Feedback received

	Public feedback	Department's response
Principle 6 & Question 8	<p>Most respondents agreed with Principle 6 and the adoption of the BREFs. There was a general call to:</p> <ul style="list-style-type: none"> • set clear environmental monitoring and reporting expectations • use independent third-party auditing • consistently apply environmental requirements to all pathways • develop regulations to support the policy • strengthen and resource compliance activities • consider transitional arrangements for facilities. <p>Some respondents also recommended adoption of the European Environmental Bureau recommendations on the revised BREF as contained in <i>Implementing EU environmental standards for waste treatment, Guidance for Non-governmental Organisations on the EU Waste Treatment BREF</i>.</p> <p>Other respondents acknowledged that the BREFs may be suitable for Queensland but felt that there were uncertainties regarding the implementation costs, the underlying operational data, and inadequate coverage of some waste streams (hazardous and biologically-treated wastes) and technologies (pyrolysis and gasification). A more cautious approach was suggested involving voluntary adoption of the BREFs after investigating their applicability to Queensland and modification for Queensland context.</p> <p>Several respondents disagreed with both Principle 6 and the adoption of the BREFs, suggesting that the existing approvals and management framework is sufficient.</p> <p>Other concerns were noted, including:</p> <ul style="list-style-type: none"> • lack of confidence in the waste management industry and government regulators in terms of compliance and enforcement • the impacts on small to medium sized projects of adding new or more restrictive regulation on EfW compared to the rest of the waste sector • the need for best practice to be appropriate to the nature, scale, and potential environmental impacts of the EfW facility • the need to consider standards from other jurisdictions (e.g. USA) where waste-to-fuels technologies are deployed. 	<p>These concerns and suggestions have been noted.</p> <p>The EfW policy adopts the 2019 (draft) BREF for Waste Incineration, and the 2018 BREF for Waste Treatment. It is expected that the 2019 (draft) BREF will be formally adopted by the EU by end of 2019. Should this not occur, the EfW policy will be reviewed as necessary.</p> <p>More broadly, if there are any substantial changes to the BREFs, DES will review the ongoing suitability of the EfW policy and associated operational guidelines.</p> <p>There will be an expectation that when finalised, the operational guidelines would apply to relevant existing facilities five years after commencement of the EfW policy.</p>

Planning approvals for EfW facilities

Principles and questions

Principle 7	<p>Queensland needs a clear, consistent and well-informed assessment process for new waste technologies</p> <p>In Queensland, there are several assessment pathways and legislative frameworks for seeking planning and environmental approvals for waste and resource recovery infrastructure, including EfW infrastructure. Principle 7 reinforced the need for a clear and consistent assessment process for new EfW technologies.</p>
Question 9	What aspects of the current planning and assessment framework do you think require clarification?
Question 10	How can the planning process support effective community engagement?
Question 11	What role should the government play in assessing significant EfW proposals?

Feedback received

	Public feedback	Department's response
Principle 7	<p>Most respondents agreed with Principle 7.</p> <p>There were requests to:</p> <ul style="list-style-type: none"> minimise the costs and timeframes to obtain approvals review approval requirements for EfW facilities proposed on council waste sites and consider the benefits of such colocation review requirements under the Planning Regulation 2017 to ensure consistency in assessment and regulation <p>One respondent recommended further engagement with local government and other stakeholders on any proposed planning reforms, prior to finalising the EfW policy.</p>	<p>The feedback has been noted.</p> <p>A review of the planning and assessment framework for the waste and resource recovery sector will be undertaken under the waste strategy, and the Resource Recovery Industries 10-year Roadmap and Action Plan, to determine whether any changes to the framework are required.</p> <p>The EfW policy will be updated if necessary to accommodate recommendations of the review.</p>
Question 9	<p>A few respondents felt that the current framework is generally clear and appropriate, but consistent application of assessment and regulatory processes was needed to avoid the perception that EfW will be treated differently. Areas nominated for clarification included:</p> <p><i>State coordination</i></p> <ul style="list-style-type: none"> grounds on which the Coordinator-General can assess a project without departmental input/approvals the triggers for state coordination of the approval process. <p><i>Assessment</i></p> <ul style="list-style-type: none"> whether an environmental impact statement would be required whether EfW would be exempt from council planning jurisdiction how social licence will be assessed in the face of vocal and determined opposition from some sections of the community how the state will ensure technical competency of assessors how proposals will be assessed where the council lacks the necessary resources and experience the responsibilities of councils in assessing and regulating EfW. <p><i>Licensing and regulation</i></p> <ul style="list-style-type: none"> EAs should not be issued without certainty that conditions can be realistically met. Where the EA is approved, communicate clearly to proponents that granting the EA is not a direction to the local government to grant the development approval (DA). 	<p>The feedback has been noted. An operational guideline will be developed to support the EfW policy. Clarification on the assessment pathways under the current planning and assessment framework will be provided in the operational guideline.</p>

	<ul style="list-style-type: none"> • how all three levels of government ensure safe air quality <p>Other recommendations included:</p> <ul style="list-style-type: none"> • reduce the duplication in licensing and regulation of methane gas activities (e.g. landfill gas combustion, anaerobic digestion) between DES and the Petroleum and Gas Inspectorate of the Department of Natural Resources, Mines and Energy. • prioritisation of community well-being and public health under planning law. • establishment of a strategic waste planning and development consent framework, including for projects of regional or state significance. 	
Question 10	<p>Respondents suggested several means by which the planning process could support community engagement, including by:</p> <ul style="list-style-type: none"> • legislating it as a required first (or early) step of the process • managing consultations to clearly defined terms of reference • completing scientific and risk assessments before planning • establishing community engagement groups and citizens' panels to provide input into planning decisions • establishing one or more fully independent bodies to advise communities and oversee the engagement process • mandating development and approval of stakeholder engagement plans prior to commencing engagement • requiring adherence to the International Association of Public Participation (IAP2) Public Participation Spectrum • requiring regular public reporting on facility performance to give communities confidence • ensuring the policy is supported by regulatory measures that ensure the fair treatment of people and the environment throughout the planning and development process. <p>Two respondents felt that the existing community engagement mechanisms were sufficient, and that the requirements should be no different to other major projects (e.g. motorways, rail links, mines, airports, harbours).</p> <p>One respondent suggested that there could be a conflict of interest where councils have to engage with communities on both waste planning applications and waste procurement decisions.</p>	<p>The feedback has been noted.</p> <p>It is noted that many of the comments relate to the broader planning framework and are not specific to just EfW proposals.</p> <p>A review of the planning and assessment framework for the waste and resource recovery sector will be undertaken under the waste strategy, and the Resource Recovery Industries 10-year Roadmap and Action Plan, to determine whether any changes to the framework are required.</p> <p>Any recommendations of the review relevant to the EfW policy will be considered during the review of the EfW policy.</p>
Question 11	<p>Several respondents felt that the State Government should lead assessment of significant EfW proposals, in the manner that wind farm developments are assessed under the State Development Assessment Provisions. A few respondents nominated the Office of the Coordinator General or a State Government expert panel for the role. Reasons provided to support this position included:</p> <ul style="list-style-type: none"> • that impacts and benefits of EfW facilities go beyond the individual council in which they are situated • that most councils might lack the technical capabilities to assess significant proposals • to help ensure a level playing field and consistency in assessment without regard to local political influences • that temporary local planning instruments are insufficient to deal with the scale and complexity of the waste framework. <p>One respondent called for the State to financially support councils that are defending a disproportionate number of waste-related development approvals decisions.</p> <p>Some respondents felt that the State should coordinate and advise on significant proposals, but that the final decision should be made by council. Further, the State should be able to call in and assess applications on a priority basis, if the council does not act in the community's interests or if assessments are unreasonably delayed.</p> <p>Some suggested that the State should set the policy framework and leave the assessment to independent EfW experts, because the State might lack the technical capability to assess applications,</p>	<p>The feedback has been noted.</p> <p>A review of the planning and assessment framework for the waste and resource recovery sector will be undertaken under the waste strategy, and the Resource Recovery Industries 10-year Roadmap and Action Plan, to determine whether any changes to the framework are required.</p> <p>Any recommendations of the review relevant to the EfW policy will be considered during the review of the EfW policy.</p>

	<p>particularly for technologies new to Australia and Queensland.</p> <p>Other respondents went beyond assessment of proposals, and suggested that the government take an active role in developing EfW infrastructure and the sector. Recommendations included:</p> <ul style="list-style-type: none">• securing land in suitable areas to lessen community impacts• leading public discussion and community awareness• providing research grants to investigate improvements to current processes and development of new processes.	
--	---	--

RTI RELEASE - DSDIL GP

Community engagement

Principles and questions

Principle 8	<p>Proponents of EfW facilities must demonstrate that they have engaged appropriately and transparently with communities impacted by the proposed facilities</p> <p>EfW can be a particularly divisive topic in communities. Ineffective community engagement on EfW can lead to community distrust of the waste management and resource sector at large, and could result in rejection of otherwise technically-and environmentally-sound proposals. Neither of these outcomes are in the best interests of Queenslanders. Principle 8 was proposed to help ensure proponents engage effectively with communities.</p>
Question 12	Do you agree with the proposed stakeholder engagement principles and responsibilities? Is there anything you would add or change?
Question 13	How could proponents demonstrate that they have followed the proposed principles of engagement?
Question 14	Should proponents of EfW facilities be required to demonstrate that they have obtained a social licence to operate the proposed facility? How would this be demonstrated?

Feedback received

	Public feedback	Department's response
Principle 8	<p>Almost all proponents agreed with Principle 8.</p> <p>One respondent suggested that small-scale, at source facilities should be exempted from community engagement, whilst another was concerned about bias in proponent-led engagement.</p> <p>The principal concern of environmental groups and the community was around greater empowerment and involvement of communities in the planning process (e.g. through citizens' panels).</p> <p>Industry respondents were primarily concerned about the uncertainty and objectivity in defining social licence and ensuring fact-based decision-making in the face of vocal opposition.</p>	<p>The feedback has been noted.</p> <p>It would be reasonable to expect some community engagement for any level of proposal, however it would be expected that this would be scalable depending on size of facility and location.</p> <p>The principle has been carried forward into the EfW policy.</p>
Question 12	<p>Almost all respondents across all stakeholder groups agreed with the stakeholder engagement principles. Respondents also suggested the following for consideration:</p> <ul style="list-style-type: none"> • adopt a risk-based approach to stakeholder engagement • develop, publish for comment, and approve stakeholder engagement plans prior to commencing any engagement • assess proposals on facts • consider the role of governments in educating the public on EfW • legislate community engagement requirements with penalties for misleading the public • conduct independent research into community knowledge, attitudes and social acceptance of the waste industry to identify the key drivers of social licence and develop strategies to support future community engagement. <p>A few respondents did not agree with the community engagement principles and responsibilities, over concerns that they:</p> <ul style="list-style-type: none"> • are global ideals and not specific enough to be of practical use • are weighted in favour of proponents who could be biased • involve the State and councils who have a vested interest in encouraging EfW. <p>One proponent called for stakeholder engagement to be undertaken in accordance with the IAP2 Public Participation Spectrum rather than prescribing how community engagement is to be undertaken.</p>	<p>The feedback has been noted.</p> <p>The stakeholder engagement principles have been amended to accommodate several suggestions, including:</p> <ul style="list-style-type: none"> • requiring a stakeholder engagement plan with an environmental authority application • highlighting the role of governments in public education on EfW.

	Public feedback	Department's response
Question 13	<p>Respondents suggested the following means of demonstrating adherence to the engagement principles by:</p> <ul style="list-style-type: none"> documenting and reporting on the process and outcomes, including how feedback has been (or will be) addressed providing proof of adherence to an engagement plan obtaining endorsement of the process by a citizens' panel; or through an independent audit/assessment direct involvement of the assessing agency in the engagement process measurement against the IAP2 Public Participation Spectrum. <p>One proponent was concerned that demonstrating adherence to the principles could introduce a burden for small and medium projects.</p>	<p>The feedback has been noted.</p> <p>The EfW policy will include a requirement for proponents to report on the community engagement undertaken and how stakeholder feedback has been accommodated.</p>
Question 14	<p>Most respondents from all stakeholder groups, except industry, agreed with a social licence requirement and suggested this could be demonstrated by:</p> <ul style="list-style-type: none"> conducting an independent community survey to determine the success or failure of a consultation process providing the results of the engagement process including an outline of the level of community support for a project, and how stakeholder concerns have been addressed measurement against indicators agreed with the government. <p>The views of industry respondents were mixed. A few respondents suggested that social licence should not be the sole responsibility of the proponent, and called on the State to publicly support good quality proposals, and to intervene when a minority refuse social licence for reasons which are not in the best interest of the broader community.</p> <p>Some respondents felt that the social licence concept was important, but it was too subjective and difficult to define and demonstrate, and that it should not require demonstrating universal support for a project.</p> <p>A few respondents did not support a social licence requirement, and suggested that:</p> <ul style="list-style-type: none"> social licence should be assumed if a facility is proposed in response to a state or local government tender completion of an environmental assessment commensurate with the scale and impact of the proposed facility should suffice community engagement can be sufficiently established through the current development assessment process greater emphasis be placed on the community engagement conducted. <p>Respondents also suggested the following alternative/additional matters for consideration:</p> <ul style="list-style-type: none"> maintain a role for councils in determining and defining social licence during community and industry engagement require a scientific committee to evaluate any proposed EfW technology, prior to seeking community approval, and lodging the planning application require proponents to conduct a social impact assessment and design effective strategies to mitigate and manage adverse impacts. Local and state government should work with proponents to review the social impact assessment. 	<p>The feedback has been noted.</p> <p>The social licence concept is an important one, but it is not proposed to introduce a social licence requirement at this time as it is unclear how this could be enacted or enforced under the <i>Environmental Protection Act 1994</i> or the <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>Social licence is an evolving area and there is as yet, no consensus or standard on how it could be objectively measured or demonstrated.</p> <p>Proponents will be encouraged to adopt processes and practices to encourage social licence bespoke to their proposals. Local government also has a significant role to play in working with the community and the proponent.</p>
	<p>Respondents also suggested the following alternative/additional matters for consideration:</p> <ul style="list-style-type: none"> maintain a role for councils in determining and defining social licence during community and industry engagement require a scientific committee to evaluate any proposed EfW technology, prior to seeking community approval, and lodging the planning application require proponents to conduct a social impact assessment and design effective strategies to mitigate and manage adverse impacts. Local and state government should work with proponents to review the social impact assessment. 	<p>The feedback has been noted, and where relevant may be considered as part of the review of the planning and approvals framework (see the response to feedback on Principle 7).</p> <p>The Queensland Government will work with local government as necessary to consider the best route for engagement.</p>

Appendix A: Stakeholders who made a submission

Environmental groups

1. Boomerang Alliance
2. Boonah Organisation for a Sustainable Shire
3. Environmental Defenders Office (Qld) Inc.
4. Ipswich Residents Against Toxic Environments
5. Logan and Albert Conservation Association
6. Queensland Conservation Council
7. Wide Bay Burnett Environment Council Inc.

Industry

8. Australian Council of Recycling
9. Australian Food and Grocery Council
10. Australian Industrial Ecology Network
11. Australian Industry Group
12. Australian Landfill Owners Association
13. Australian Sustainable Business Group
14. Bingo Industries
15. Bio Waste Solutions
16. Bioenergy Australia
17. BioJet
18. Broadspectrum Pty Ltd
19. Caltex Australia
20. Cement Australia
21. Cement Concrete & Aggregates Australia
22. Cement Industry Federation
23. Cleanaway
24. Concise Marketing
25. Finn Biogas
26. FrontRock
27. Fulcrum BioEnergy, Inc
28. Glencore Technology
29. Hitachi Zosen
30. JJ Richards & Sons Pty Ltd (private & confidential)
31. Licella Holdings, and iQ Renew Pty Ltd
32. Queensland Farmers Federation
33. Ramboll
34. Recovered Energy Australia
35. REMONDIS
36. ResourceCo
37. Rowland Engineering
38. Simms Metal Management
39. SUEZ
40. Tyre Stewardship Australia
41. Veolia
42. Waste Management and Resource Recovery Association of Australia
43. Waste Tech Industries

Local Government

44. Moreton Bay Regional Council
45. Logan City Council
46. City of the Gold Coast
47. Bundaberg Regional Council
48. Ipswich City Council
49. Local Government Association of Queensland

Academics and consultants

- 50.Full Circle Advisory
- 51.James Cook University
- 52.METTS Pty Ltd
- 53.Queensland University of Technology
- 54.University of Southern Queensland

Community

Twenty-seven (27) submissions were received from the general community

RTI RELEASE - DSDIL GP



Energy from Waste Policy

Queensland

Prepared by: Office of Resource Recovery, Department of Environment and Science

© State of Queensland, 2020.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Disclaimer

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

If you need to access this document in a language other than English, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone Library Services on +61 7 3170 5470.

This publication can be made available in an alternative format (e.g. large print or audiotape) on request for people with vision impairment; phone +61 7 3170 5470 or email <library@des.qld.gov.au>.

June 2020

#31860

Contents

- Purpose..... 1
- Context..... 1
 - Energy from waste 1
 - Waste Management and Resource Recovery Strategy (waste strategy) 1
 - Queensland's renewable energy target 3
- Underlying principles and values 3
 - Waste and resource management hierarchy 3
 - Circular economy 3
 - EfW hierarchy..... 5
 - Precautionary principle..... 5
- Objective 6
- Scope 6
 - In scope 6
 - Out of scope 7
- Policy outcomes..... 8
 - Protect the waste hierarchy..... 9
 - Demonstrate operational performance 9
 - Engage with the community 11
 - Use only residual waste as feedstock 12
 - Adapt to residual waste changes over time 12
 - Energy recovery requirements 13
 - Environmental protection requirements 14
- Related legislation and regulation 15
 - Environmentally relevant activity framework..... 15
 - End of waste framework..... 15
 - Health and safety regulation 16
 - Electricity authorities 16
- Implementation and Review 16
- Definitions 17
- Appendix A: Technology Readiness Level Index 19

Purpose

This non-statutory policy has been developed to support implementation of Queensland's *Waste Management and Resource Recovery Strategy* (the waste strategy), by providing a high-level outline of the following matters related to energy-from-waste (EfW) activities in Queensland:

- expectations for proponents to undertake appropriate stakeholder engagement in the EfW sector
- information required to support an environmental authority (EA) application for an EfW facility
- the environmental regulation of EfW facilities.

This policy does not incentivise or promote EfW, rather it provides a framework that aims to provide certainty to EfW proponents around the requirements identified above, to help ensure that any EfW facilities developed in Queensland meet technical, environmental, regulatory and community expectations and are in the best interest of Queenslanders. This policy operates in conjunction with other key strategic documents under the waste strategy as described further below.

Context

Energy from waste

EfW refers to the recovery of energy from residual waste materials. The energy can be recovered as solid, liquid or gaseous fuels, or as heat. Fuels can be combusted (e.g. in a power plant) to generate electricity, or used as a replacement for fossil fuels in vehicles, equipment and machinery, while the heat produced can be used to produce hot water or steam to feed industrial heating systems, or drive cooling and air conditioning systems. The steam can also be converted into electricity using a turbine.

Waste Management and Resource Recovery Strategy (waste strategy)

The waste strategy envisions Queensland as a zero-waste society, where waste is avoided, reused and recycled as much as possible, as part of a transition to a circular economy. This vision is supported by 2050 targets to reduce household waste by 25 percent; recycle 75 percent of all waste; and divert 90 percent of all waste from landfill (Table 1). This policy is an action of the waste strategy, under Strategic Priority 2 – Transitioning to a circular economy.

Table 1: Waste strategy targets

Description of target	Waste stream	2017-18 Baseline	2025	2030	2040	2050
Reduce household waste generation (as percentage of 2017-18 baseline)	MSW	0.54 tonnes per capita	10%	15%	20%	25%
	MSW	32.4%	55%	70%	90%	95%
Landfill diversion rate (amount diverted as percentage of total waste generated in 2017-18)	C&I	47.3%	65%	80%	90%	95%
	C&D	50.9%	75%	85%	85%	85%
	All streams	45.4%	65%	80%	85%	90%
	MSW	31.1%	50%	60%	65%	70%
Recycling rate (amount recycled as percentage of total waste generated in 2017-18)	C&I	46.5%	55%	60%	65%	>65%
	C&D	50.9%	75%	80%	>80%	>80%
	All streams	44.9%	60%	65%	70%	75%

C&D = Construction and demolition waste; C&I = Commercial and industrial waste; MSW = Municipal solid waste.

Based on these targets, it is estimated that by 2050, up to 15 per cent of municipal solid waste (MSW), commercial and industrial (C&I) waste, and construction and demolition (C&D) waste (together, 'headline wastes') may be unsuitable for reuse or recycling, and therefore may be suitable feedstock for EfW. A further 10 per cent of waste is estimated to still require disposal to landfill as energy recovery is unlikely to be feasible. Table 2 shows how the potential EfW feedstock quantity is distributed across the headline waste streams over the waste strategy's horizon.

Table 2: Estimated amount of waste potentially available for EfW based on 2017-18 baseline data

Waste stream	2025	2030	2040	2050
MSW (% of all MSW)	5%	10%	25%	25%
C&I (% of all C&I)	10%	20%	25%	30%
C&D (% of all C&D)	0%	5%	5%	5%
Overall (% of all headline waste)	5%	15%	15%	15%
Waste stream	2025	2030	2040	2050
MSW (tonnes)	134,300	268,500	671,200	671,200
C&I (tonnes)	292,500	585,000	731,300	877,600
C&D (tonnes)	0	264,100	264,100	264,100
Overall (tonnes)	426,800	1,117,600	1,666,600	1,812,900

This policy is just one of several strategic actions that support implementation of the waste strategy (Figure 1). Other key actions include the following:

- The *Queensland Waste and Resource Recovery Infrastructure Report* will provide a review of existing infrastructure capacity on a regional basis and identify opportunities for investment to fill current and future infrastructure gaps to support implementation of the waste strategy.
- The *Queensland Resource Recovery Industries 10-year Roadmap and Action Plan* sets out a framework to accelerate the transition to a circular economy and develop Queensland's resource recovery industries. The Roadmap is administered by the Department of State Development, Tourism and Innovation (DSDTI).
- The \$100 million *Resource Recovery Industry Development Program*, also administered by (DSDTI), provides grant funding to local governments, established businesses and not-for-profit organisations to improve existing operations or bring new facilities at all stages of the supply chain to Queensland.
- The *Plastic Pollution Reduction Plan*, released 7 November 2019, identifies and prioritises actions, at every step in the supply chain, to help reduce plastic waste and reduce the amount of plastic in and entering the environment, and also looks for economic opportunities to create a plastic circular economy through investment in plastic reprocessing, remanufacturing, market development and new products as alternatives to plastic.
- The *Indigenous Waste Management Strategy* will set out a path to improve waste management and resource recovery in Aboriginal and Torres Strait Islander communities.

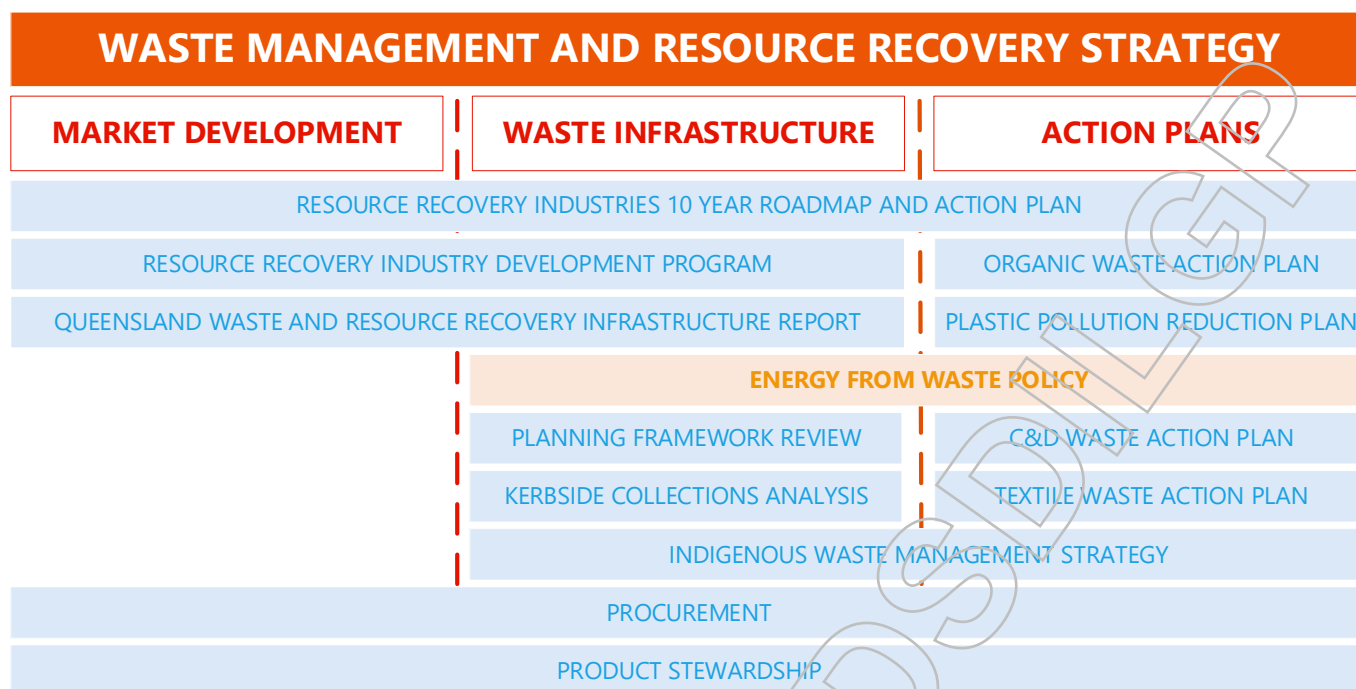


Figure 1: Key actions in implementing the Waste Management and Resource Recovery Strategy

Queensland’s renewable energy target

The path to achieving a zero net emissions future includes a commitment to generate 50 per cent of Queensland’s energy from renewable sources by 2030. Under the Commonwealth *Renewable Energy (Electricity) Act 2000*, energy derived from organic wastes may be regarded as renewable energy. This includes energy derived from wood waste, agricultural waste, food and food processing waste, biomass-based components of municipal waste, landfill gas, sewage gas, and biomass-based components of sewage. This type of energy is also referred to as 'bioenergy'. To the extent that electricity generated from waste meets this definition, it will contribute to the Queensland Government’s commitment to reach 50 per cent renewable electricity generation by 2030. Energy derived from waste products made from fossil fuels (e.g. traditional plastics) does not count as renewable energy or bioenergy and would not contribute to the renewable energy target.

Underlying principles and values

Waste and resource management hierarchy

This policy is underpinned by the Queensland Waste and Resource Management Hierarchy (the waste hierarchy), which is a framework that guides the order of preference for managing waste (Figure 3). The waste hierarchy is enshrined in the *Waste Reduction and Recycling Act 2011* and supported by the vision, targets and actions in the waste strategy.

Waste should be avoided as a first priority, after which options to reduce, reuse and recycle waste should be pursued. The options for fuel production, energy production, and disposal should be reserved for residual waste that is unsuitable for higher order options. This policy prioritises liquid fuel production over other forms of energy (electricity, heat and cooling) in line with the vision of developing a \$1 billion sustainable and export-oriented industrial biotechnology and bioproducts sector under the *Queensland Biofutures 10-year Roadmap and Action Plan* (Biofutures Roadmap), which includes bioenergy.

Options for fuel and energy production are preferable to landfill because they recover value from the waste, reduce greenhouse gas emissions from organic wastes, and lessen the legacy impacts of landfills.

Circular economy

Making the transition to a circular economy is a priority under the waste strategy. A circular economy is based on

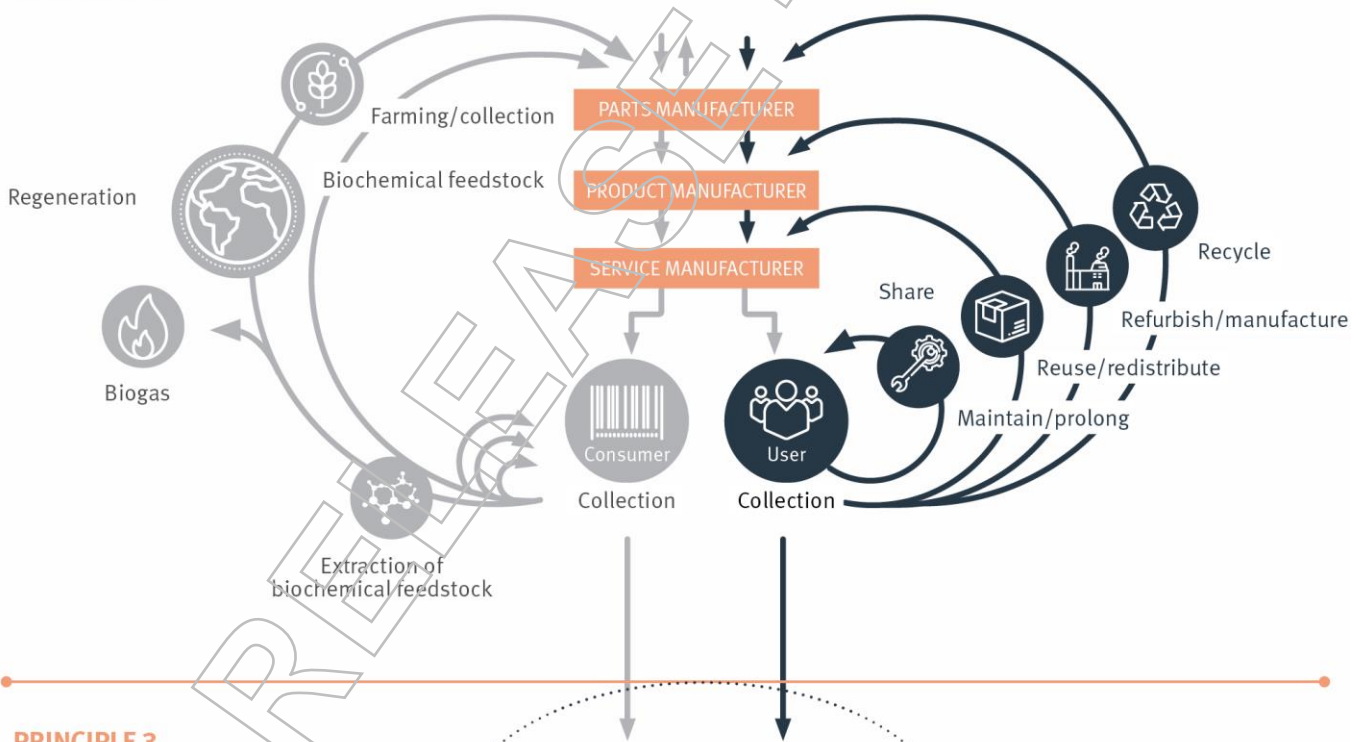
the principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems (Figure 2). Transitioning from the current linear 'take-make-use-dispose' model to a truly circular economy will take time. During this transitional period, EfW provides an opportunity to capture the embodied energy in waste materials that would otherwise be lost, if disposed to landfill. This policy applies circular economy principles to guide EfW activities as described below.

- **Design out waste/pollution:** This policy requires the application of best available techniques that help to minimise waste and pollution arising from EfW activities.
- **Keep products and materials in use:** To support this policy, end of waste codes will be developed where appropriate to guide and encourage environmentally-sound recovery and use of by-products, residues and wastes from EfW processes.
- **Regenerate natural systems:** The EfW hierarchy (discussed further below) has been developed, and will be applied under this policy, to prioritise EfW processes (e.g. biological EfW) that promote this principle.

PRINCIPLE 1



PRINCIPLE 2



PRINCIPLE 3

Minimise systemic leakage and negative externalities

Source: Ellen MacArthur Foundation, www.ellenmacarthurfoundation.org

Figure 2: Circular economy (source: Ellen MacArthur Foundation, <https://www.ellenmacarthurfoundation.org>)

EfW hierarchy

The EfW hierarchy (Figure 3) has been developed to support the overarching waste hierarchy by providing greater clarity on energy recovery priorities. The EfW hierarchy ensures that development of the EfW sector aligns with other strategic priorities for waste management, resource recovery, economic development, and environmental protection, while providing the best outcomes for Queensland.

Biological EfW processes such as anaerobic digestion and fermentation are prioritised because, in addition to producing fuel, they preserve nutrients and organic matter, which can be returned to the soil to help improve soil quality and carbon sequestration. Importantly, biological EfW processes are aligned with the circular economy principle of regenerating natural systems, which promotes returning nutrients to soils and ecosystems to enhance natural resources.

The second preference is for EfW technologies that convert homogenous waste streams (e.g. agricultural wastes) into solid or liquid fuels that comply with an Australian, Queensland or international standard. This includes chemical EfW processes, such as the conversion of waste fats and oils into biodiesel using chemical catalysts. These processes align with the Queensland Government's priority to develop the biotechnology and bioproducts sector (including bioenergy) under the Biofutures Roadmap.

Thermal EfW (such as combustion with energy recovery) is preferred to landfill gas capture and combustion, because the latter relies on the continued disposal of organic waste to landfill, which is inconsistent with the waste hierarchy.

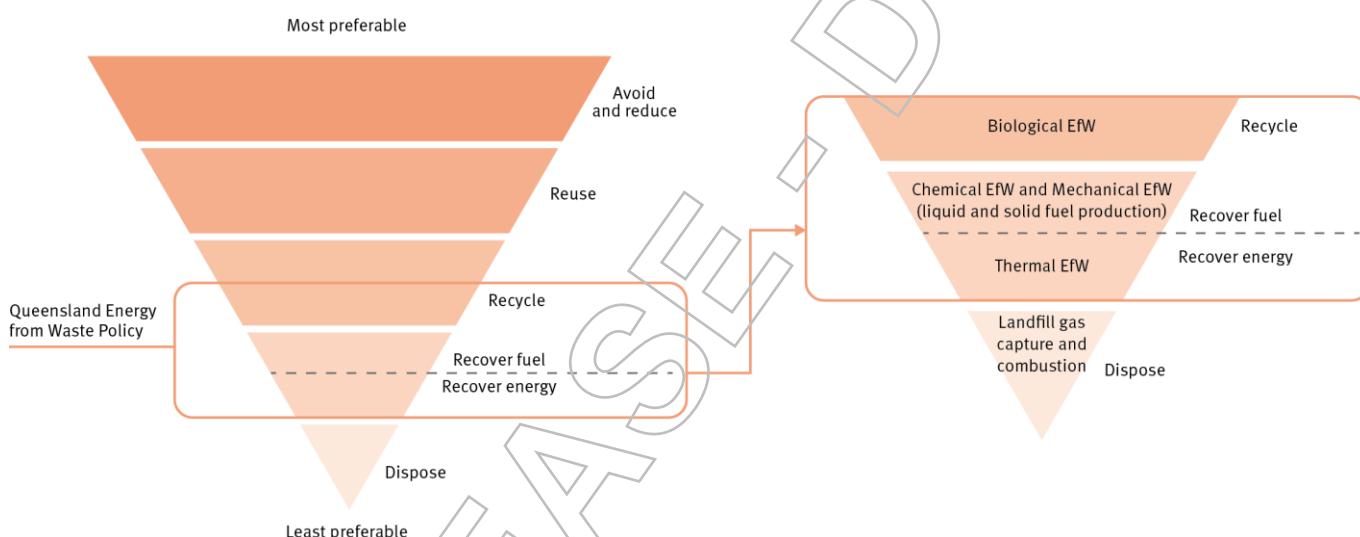


Figure 3: Waste and Resource Management Hierarchy (left), and EfW Hierarchy (right) for Queensland

Precautionary principle

The Precautionary Principle is set out in the *Intergovernmental Agreement on the Environment*.¹ It requires that, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Under the *Environmental Protection Act 1994*, the administering authority must consider the environmental policy principles in the Intergovernmental Agreement on the Environment, in deciding an application for an environmental authority. The administering authority will continue to consider the precautionary principle in its decision-making processes to support implementation of this policy.

¹ Department of the Environment and Energy 1992, Intergovernmental agreement on the environment. Available at: <https://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement>.

Objective

The objective of this policy is to ensure Queensland's EfW sector is developed in an environmentally- and socially-sound manner that contributes to the vision, objectives, and targets of the waste strategy.

Scope

In scope

This policy applies to all technologies that produce all forms of energy (fuel, electricity, heating, cooling) from waste materials, including those that operate on biological, thermal and chemical or mechanical principles (Table 3).

Table 3: EfW technologies within the scope of this policy

Technology type	Description	Examples
Biological EfW	Breakdown of organic waste by microorganisms and enzymes to produce a combustible gas or liquid fuel	<ul style="list-style-type: none"> Anaerobic digestion of organic wastes to produce biogas, and digestate Fermentation of food processing wastes to produce ethanol
Chemical EfW	Chemical agents are used to convert the waste feedstock into a liquid fuel	<ul style="list-style-type: none"> Conversion of waste fats and oils into biodiesel using chemical catalysts
Mechanical EfW	Processing of waste using mechanical and physical processes such as shredding, screening, dehydration and pelletisation, to produce a fuel (often solid)	<ul style="list-style-type: none"> Production of refuse derived fuel (RDF)
Thermal EfW	Breakdown of waste using heat (typically greater than 200°C) to release the embodied energy, usually in the form of heat (hot flue gases), a synthesis gas, or liquid fuel	<ul style="list-style-type: none"> Combustion with energy recovery of mixed MSW to produce heat and/or electricity Pyrolysis of end-of-life tyres to produce pyrolysis oil, syngas, heat, electricity

In Queensland, an environmental authority (EA) is required to conduct an environmentally relevant activity (ERA) that has the potential to cause environmental harm. The department administers seven waste-related ERAs (refer to Table 4), which are prescribed in Schedule 2 of the Environmental Protection Regulation 2019. The EfW technology types defined in this policy are regulated under one or more of these ERAs as indicated in Table 4.

This policy applies to the assessment of an application for a waste-related ERA. It forms part of the standard criteria under the *Environmental Protection Act 1994* that must be considered in deciding an application for the ERA.

Table 4: Waste-related ERAs and their application to EfW activities

ERA	Example of EfW activity
ERA 53 - Organic material processing	Biological EfW, e.g. anaerobic digestion of organic waste
ERA 54 - Mechanical waste reprocessing	Mechanical EfW, e.g. production of RDF
ERA 55 - Other waste reprocessing or treatment	Chemical EfW, e.g. Producing biodiesel from waste fats/oils
ERA 57 - Regulated waste transport	Nil
ERA 60 - Waste disposal	Nil
ERA 61 - Thermal waste reprocessing and treatment	Thermal EfW, e.g. combustion for energy recovery
ERA 62 - Resource recovery and transfer facility operation	Nil

Note: The information in this table does not constitute exhaustive or formal guidance on all ERA requirements for all EfW activities.

Out of scope

This policy does not apply to:

- capture and combustion of landfill gas
- energy recovery from non-waste materials, such as sorghum and other crops grown for energy production
- industrial non-waste facilities such as cement kilns and fossil fuel power plants, which use as a fuel a resource under an end of waste (EOW) code.

Approvals required under other legislation have not been included in this policy. Proponents are responsible for determining all of the approvals and permits required for their EfW proposal. Early stakeholder engagement prior to lodgement of any application is however encouraged and may support consideration of related approvals.

RTI RELEASE - DSDIL

Policy outcomes

This chapter of the policy outlines seven policy outcomes to guide proponents on how environmental authority applications for EfW facilities will be assessed, and how EfW facilities will be regulated. However, not all policy outcomes apply to all types of EfW technologies. For example, biological EfW is regarded as recycling and thus there is no requirement to limit feedstock to residual waste. Refer to Table 5 for the specific application of each policy outcome.

An operational guideline will accompany this policy to provide detailed guidance on the application and implementation of this policy.

Table 5: Application of the policy outcomes to EfW technologies

Policy outcomes	Biological EfW	Thermal EfW	Chemical EfW	Mechanical EfW
1. Protect the waste hierarchy	✓	✓	✓	✓
2. Demonstrate operational performance	✓	✓	✓	✓
3. Engage with the community	✓	✓	✓	✓
4. Residual waste as feedstock		✓	✓	✓
5. Adapt to residual waste changes		✓	✓	✓
6. Energy recovery requirements		✓		
7. Environmental protection requirements		✓		✓

Protect the waste hierarchy

Policy outcome 1: Energy from waste proposals do not undermine reuse and recycling and the circular economy principles, and disposal does not undermine appropriate energy recovery

Waste should be managed at the highest practical level of the waste hierarchy to support Queensland's transition to a circular economy and to achieve the best outcome for the environment and for future generations.

In assessing and deciding an application for a waste-related ERA, the department must currently consider a range of matters, including any Commonwealth or State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development. The waste hierarchy forms part of this requirement and will continue to be considered by the department in assessing EfW applications.

To further support the waste hierarchy, the department will also consider the EfW hierarchy (Figure 3) in its decision-making process. Proponents are therefore expected to demonstrate how their proposed project aligns with both the waste hierarchy and the EfW hierarchy.

Demonstrate operational performance

Policy outcome 2: The operational performance of a proposed EfW facility is demonstrated

This policy enables a range of commercial, new, and emerging EfW technologies to be considered, each carrying different risks. It is important to understand the nature and magnitude of these risks to ensure appropriate mitigation, management and regulation. A proponent is expected to be able to characterise the risks to human health and the environment associated with the commissioning and operation of the proposed EfW facility.

Commercial technologies

In this policy, a commercial technology is defined as having been in commercial operation for at least two (2) years. Commercial operation means operation of the technology or facility, in return for financial gain or other valuable consideration, and which is available to the public, or performed under a contract between the technology/facility operator and a customer who has no control over the operator.

A proponent proposing to establish a commercial technology is expected to meet the following requirements:

- Provide data from a reference facility to demonstrate that the proposed facility can function in an environmentally-sound manner in compliance with the requirements of this policy.
 - A reference facility is a facility that has been in commercial operation:
 - at a scale (size and throughput) similar to the facility being proposed
 - with feedstock similar in composition to that proposed
 - for at least two (2) continuous years
 - in Queensland or in a jurisdiction with comparable regulatory governance to Queensland. Further guidance on comparable jurisdictions will be provided in an operational guideline.
- Provide at least two (2) years of operational data from the reference facility to enable the department to assess and validate the potential environmental and human health risks of the proposed facility. Data from the design, modelling or commissioning phases alone is not acceptable to demonstrate operational performance of the proposed facility.
 - The operational data must be no more than five (5) years old and include, but is not limited to:
 - monitoring data for all process parameters, and all (solid, liquid and gaseous) emissions
 - energy and mass balances
 - characterisation of the feedstock, by-products, and wastes.

New and emerging technologies

In this policy, a new technology is a technology that has been in commercial operation for less than 2 years, while an emerging technology is one that is still going through research and development.

By definition, new and emerging technologies would not be able to provide data from a fully operational reference facility to support a proper assessment of the environmental risks, therefore different requirements apply:

- Proponents of new technology are expected to provide:
 - data from the technology development phase corresponding to level 9 on the Technology Readiness Level

(TRL) index^{2,3}

- where available, operational data from the commercial operation of a similar facility that has been operating:
 - at a scale (size and throughput) similar to the facility being proposed
 - with feedstock similar in composition to that proposed
 - in Queensland (or Australia), or in a jurisdiction with comparable regulatory governance to Queensland. Further guidance on comparable jurisdictions will be provided in an operational guideline.
- Proponents of an emerging technology are expected to provide data from the technology development phase to demonstrate a classification at level 7 or higher on the TRL index.

Further information on the TRL index, including information to demonstrate a TRL classification is provided in Appendix A of this policy.

All technologies, whether commercial, new or emerging, would be expected to meet the environmental protection requirements of this policy (policy outcome 7). If approved, new and emerging technologies (compared to commercial technologies) may be subject to more frequent monitoring and reporting requirements, be required to monitor additional parameters, or have other conditions applied to address risks that are specific to those technologies. These conditions would be determined on a case-by-case basis depending on the size/scale, location, and nature of the EfW proposal.

² Australian Renewable Energy Agency 2014, *Technology readiness levels for renewable energy sectors*, <https://arena.gov.au/assets/2014/02/Technology-Readiness-Levels.pdf>

³ US Department of Energy, 2009, *Technology readiness assessment guide (DOE G 413.3-4)*, <https://www.directives.doe.gov/directives-documents/400-series/0413.3-EGuide-04/view>

Engage with the community

Policy outcome 3: Communities potentially impacted by proposed EfW facilities are appropriately engaged

EfW can be a particularly contentious topic for communities. Therefore, it is important that communities which may be affected by proposed EfW facilities are appropriately, considerately and authentically engaged early in project decision-making, and provided with appropriate avenues for ongoing engagement with a proponent.

Prior to lodging an application for an EfW facility, a proponent is expected to demonstrate engagement with communities potentially affected by the proposed facility. It is expected this engagement will adhere to the principles of community engagement outlined in Table 6.

Table 6: Principles of community engagement for proponents

Principle	What this means in practice
Community engagement will be authentic and transparent.	It will be clear which decisions can be influenced by community input and which cannot. The results of community engagement will be communicated back to the community – engagement will 'close the loop'. Information will be shared transparently with the community in a manner that encourages mutual trust.
Community engagement will be inclusive.	Engagement and information sharing activities will be as inclusive and accessible as possible and will take into account any specific requirements of community groups, such as cultural and linguistic diversity, First Nations values and traditions, or restricted mobility.
Community engagement will be respectful.	Stakeholders and the community can expect to have their concerns actively listened to. Engagement will acknowledge the expertise, perspective and needs of the community and stakeholders. Stakeholders will be open, trustworthy and respectful when taking part in all engagement processes.
Community engagement will be responsive	Engagement activities and information sharing will be done in a timely manner that allows appropriate time for informed consideration and contributions by those potentially impacted.
People have a right to participate in decisions about matters that affect them.	If a project has the potential (whether real or perceived) to impact on the community, the community has a right to be informed about that project and for their opinions and feedback to be included in decision-making.

Proponents have a role to play in helping to ensure that communities are appropriately engaged in line with the principles of community engagement, including:

- work with local government to identify appropriate stakeholder groups
- prepare and submit a stakeholder engagement plan with the environmental authority application, which demonstrates how the principles of community engagement have been implemented, and are proposed to be implemented over the life of the proposed facility
- prepare and submit a stakeholder engagement report with the environmental authority application, which documents the outcomes of the community engagement undertaken up to the point of making the application
- plan and undertake consultation activities in line with the stakeholder engagement plan
- ensure local and state government are informed throughout the engagement planning and execution process.

The state government also has a role to play in promoting an understanding of state government policies and providing relevant guidance on best practices.

The concept of obtaining 'social licence' to operate, which has its origins in the mining and extractive industries, is increasingly becoming important for proponents in other industries, including the waste industry. Social licence broadly refers to the informal licence or approval granted by a local community or stakeholders for a project. Once earned, social licence has to be maintained.

This policy does not specifically include a social licence requirement, however proponents are strongly urged to adopt processes and practices, beyond those required in this policy, which will help to secure social licence.

Use only residual waste as feedstock

Policy outcome 4: Only residual wastes is used for energy recovery

This policy outcome helps to safeguard the waste hierarchy and supports Queensland's recycling targets by restricting EfW to residual waste. This helps to ensure that waste materials able to be managed at a higher level of the waste hierarchy are not used in EfW.

Residual waste is waste that is not technically, environmentally, and economically practical (TEEP) to reuse or recycle. Residual waste may include, for example:

- residues from a waste recycling or remanufacturing process, for which no further recycling process is available
- waste that is too degraded or contaminated to be recycled.

A proponent of an EfW facility must demonstrate that the proposed feedstock is residual waste. The determination of what is TEEP must consider:

- the precautionary principle, intergenerational equity, and conservation of biological diversity and ecological integrity as set out in the *Intergovernmental Agreement on the Environment*
- technical feasibility and economic viability
- protection of resources
- the overall environmental, human health, economic and social impacts

This policy outcome applies to chemical EfW, mechanical EfW, and thermal EfW. It does not apply to biological EfW, which is regarded as recycling and able to accept materials that can be recycled.

Adapt to residual waste changes over time

Policy outcome 5: EfW facilities are expected to adapt to changes in residual waste over time

The quantity and composition of residual waste in Queensland is expected to change over time as a result of:

- progressively achieving the waste strategy targets to reduce household waste generation by 25 per cent, and recycle 75 per cent of all waste streams by 2050
- industry support programs such as the \$100 million Resource Recovery Industry Development Program (commenced in 2018-19), and the \$5 million Waste to Biofutures Fund (2018-19), which both aim to grow capability in the resource recovery sector
- transitioning to a circular economy where waste and pollution are gradually designed out, and where products and materials are kept in circulation for as long as possible.

EfW proponents must clearly demonstrate how the proposed EfW facility will adapt to the expected changes in residual waste, over the facility's expected lifetime. This may include, for example, conducting a feedstock sensitivity analysis to assess the effect of variations in feedstock composition over time on the performance of the proposed facility, and ability to meet all relevant requirements of this policy.

This policy outcome applies to chemical EfW, mechanical EfW, and thermal EfW. It does not apply to biological EfW, which is regarded as recycling and able to accept materials that can be recycled.

Energy recovery requirements

Policy outcome 6: Facilities combusting waste for energy recovery meet the R1 Energy Efficiency threshold

This policy outcome applies only to facilities proposing to combust waste for energy recovery.

EfW is preferable to landfill partially because, compared to landfill, it extracts energy that can offset the use of non-renewable energy sources. However, this preference diminishes if energy is not recovered and utilised.

The energy recovery efficiency of a proposed EfW facility must be determined using the R1 Energy Efficiency formula (R1 formula) and procedures as set out in the European Union Waste Framework Directive (Directive 2008/98/EC):

$$\text{Energy efficiency (R1)} = \frac{(E_p - (E_f + E_i))}{(0.97 \times (E_w + E_f))}$$

In which:

- E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (gigajoules/year)
- E_f means annual energy input to the system from fuels contributing to the production of steam (gigajoules /year)
- E_w means annual net calorific value of the waste (gigajoules /year)
- E_i means annual energy imported excluding E_w and E_f (gigajoules /year)
- 0.97 is a factor accounting for energy losses due to bottom ash and radiation.

Proposals for combustion with energy recovery are expected to demonstrate that the proposed facility can achieve a minimum R1 threshold equal to 0.65.

Facilities lawfully combusting waste for energy recovery when this policy commences, are expected to achieve a minimum R1 threshold equal to 0.60, within 5 years of commencement of this policy. This will help to ensure consistent regulation of similar facilities across Queensland.

To support implementation of this policy, the department will prepare further operational guidance on determining and achieving R1 values. It is widely acknowledged that achievement of the R1 threshold can be affected by the ambient temperature and facility size. These factors will be investigated further to develop correction factors for the R1 formula that take into account Queensland's climate and different facility sizes (e.g. modular facilities suited to regional areas). These correction factors will be included in the operational guideline.

An energy recovery criteria is not required for EfW processes which produce solid, liquid or gaseous fuels, because the business model of waste-to-fuel processes relies more heavily on the value of the fuel product, which serves as the economic incentive to maximise the fuel yield. Consequently, these processes support the waste hierarchy, and energy performance criteria are not required to distinguish them from disposal processes.

Environmental protection requirements

Policy outcome 7: The potential environmental impacts of EfW facilities are expected to be managed in accordance with the Waste Incineration BREF and the Waste Treatment BREF

Best Available Techniques Reference Documents (BREFs) are a series of European reference documents that provide guidance on best available techniques for a range of industrial processes regulated by the Industrial Emissions Directive 2010/75/EU. This policy considers the BREF for Waste Incineration and the BREF for Waste Treatment to be suitable best practice for Queensland. The BREFs are available from the European Commission's website at <https://eippcb.jrc.ec.europa.eu/reference/>.

The department will apply the BREFs, in particular those parts relating to 'Best Available Techniques Conclusions', to determine appropriate EA conditions for relevant EfW facilities. Detailed guidance will be prepared to complement this policy and help industry proponents predict the core conditions likely to be imposed on an EA, and to tailor the content of EA applications.

Proponents are expected to demonstrate the use of best practices as set out in the following BREFs:

- BREF for Waste Incineration 2019. This BREF covers:
 - Incineration (combustion), pyrolysis, and gasification processes
 - the reception, handling and storage of waste
 - some waste pre-treatment techniques along with their influence on the ensuing incineration process
 - emissions to air and applied techniques for flue-gas cleaning
 - applied techniques for the treatment of, and recovery of useful materials from, incinerator bottom ashes
 - emissions to water and the treatment of wastewater from wet flue-gas cleaning or bottom ash treatment
 - the recovery of energy from the incineration process.
- BREF for Waste Treatment. This BREF covers several waste treatment processes. Relevant proponents will be required to meet those aspects of the BREF concerned with:
 - biological waste treatment such as aerobic/anaerobic treatment and mechanical and biological treatment
 - treatment to produce mainly solid and liquid fuels from hazardous and non-hazardous waste.

To ensure continued protection of Queensland's environment and consistent regulation across Queensland, relevant EfW facilities that are lawfully operating when this policy commences will be expected to demonstrate, within 5 years, that their facilities are operating within the limits and best practices stipulated in the applicable BREF.

Related legislation and regulation

Environmentally relevant activity framework

Environmental Protection Act 1994

The *Environmental Protection Act 1994* (EP Act) regulates ERAs that have a potential to impact the environment. The Environmental Protection Regulation 2019 (EP Regulation) prescribes the list of ERAs which are regulated. An EA must be obtained to conduct any of the 53 ERAs prescribed in Schedule 2 of the EP Regulation, including the following seven waste-related ERAs:

- ERA 53 - Organic material processing
- ERA 54 - Mechanical waste reprocessing
- ERA 55 - Other waste reprocessing or treatment
- ERA 57 - Regulated waste transport
- ERA 60 - Waste disposal
- ERA 61 - Thermal waste reprocessing and treatment
- ERA 62 - Resource recovery and transfer facility operation.

Environmental Protection Policies

The environmental impacts to air, water and noise emissions associated with ERAs are also regulated under Environmental Protection Policies, which are:

- **Environmental Protection (Air) Policy 2019:** The purpose of this policy is to achieve the object of the EP Act in relation to the air environment by:
 - identifying environmental values to be enhanced or protected
 - stating indicators and air quality objectives for enhancing or protecting the environmental values
 - providing a framework for making consistent, equitable and informed decisions about the air environment.
- **Environmental Protection (Water and Wetland Biodiversity) Policy 2019:** The purpose of this policy is to achieve the object of the EP Act in relation to water and wetlands by:
 - identifying environmental values for waters and wetlands to be enhanced or protected
 - identifying management goals for waters
 - stating water quality guidelines and quality objectives for enhancing or protecting the environmental values of waters
 - providing a framework for making consistent, equitable and informed decisions about waters
 - monitoring and reporting on the condition of waters.
- **Environmental Protection (Noise) Policy 2019:** The purpose of this policy is to achieve the object of the EP Act in relation to the acoustic environment by:
 - identifying and declaring the environmental values to of the acoustic environment
 - stating acoustic quality objectives that are directed at enhancing or protecting the environmental values
 - providing a framework for making consistent, equitable and informed decisions about the acoustic environment.

End of waste framework

The end of waste (EOW) framework under the *Waste Reduction and Recycling Act 2011*, is Queensland's waste-to-resources framework, which reclassifies waste materials into resources. A waste becomes a resource, and is regulated as a resource, when it meets the quality requirements set out in the applicable EOW code.

To support implementation of this policy, EOW codes for residues and wastes arising from various EfW processes will be evaluated and developed where appropriate.

For example, an EOW code for RDF could help to ensure that only fuels of a stipulated quality are reclassified as resources and used to displace other non-renewable energy sources in industrial non-waste facilities. The quality of the fuel specified under an EOW code could be such that burning it in an industrial facility would result in no worse outcome than the fuel being replaced. Furthermore, because the RDF would be reclassified as a resource, industrial non-waste facilities can use it as a fuel replacement without additional regulation as a waste combustion facility.

A similar practice occurs in Europe, where the European Standard CEN/TC 343 has been developed to ensure consistency in high-quality solid recovered fuels prepared from non-hazardous waste.

Health and safety regulation

Under the *Petroleum and Gas (Production and Safety) Act 2004* and Petroleum and Gas (Safety) Regulation 2018, the Petroleum and Gas Inspectorate within the Department of Natural Resources, Mines and Energy (DNRME), regulates safety and health in relation to exploration, extraction, production, distribution and use of petroleum and fuel gas. This includes facilities that produce or process biogas, landfill gas, and sewage gas, which are also subject to environmental regulation administered by the department. Proponents of EfW projects that generate fuel gas will need to determine whether the project also requires DNRME assessment, and comply with any relevant requirements.

Electricity authorities

Under the *Electricity Act 1994*, the Regulator (the Director-General of DNRME issues authorities (licences) for generation, transmission and distribution activities in Queensland's electricity industry, including EfW facilities that produce and export electricity to a transmission grid or supply network. The following authorities may be issued:

- a generation authority allows a generating plant to connect to a transmission grid or supply network
- a transmission authority allows operation of a transmission grid and may also authorise a transmission grid to connect to another transmission grid
- a distribution authority allows electricity to be supplied using a supply network within a specified distribution area.

The Regulator must invite interested persons to make a submission about an application for a generation, transmission or distribution authority, before issuing the authority. It is the responsibility of proponents of EfW facilities to determine whether an electricity authority is required and to comply with any relevant requirements. Additional obligations under federal legislation may also apply. Further information on electricity authorities is available on the Queensland Government website at: <https://www.business.qld.gov.au/industries/mining-energy-water/energy/electricity/regulation-licensing/licensing-framework>.

Implementation and Review

To support implementation of this policy, the department will aim to prepare guidance materials by the end of 2020, including:

- an operational guideline to provide further details around aspects of the policy including, but not limited to, development of stakeholder engagement plans, TRL index assessment, determination of residual waste, and comparable jurisdictions
- model operating conditions for EfW facilities to provide detailed guidance to a potential EA holder on the conditions that will be applied to the EA.

The department will also investigate development of EOW codes to support environmentally-sound utilisation of the products and by-products from EfW processes including refuse derived fuel, and incinerator bottom ash.

The department will periodically review and evaluate the effectiveness of this policy in line with the triennial review of the waste strategy.

Definitions

Anaerobic digestion means the biological breakdown of organic matter by microorganisms and enzymes, in the absence of oxygen to produce biogas and digestate (a nutrient rich residue).

Circular economy means an economy in which products and materials keep circulating within the economy at their highest value for as long as possible, through reuse, recycling, remanufacturing, delivering products as services, and sharing.

Biogas means gas produced from anaerobic digestion, which is a mixture of methane and carbon dioxide.

Bioenergy means a form of renewable energy that uses organic renewable materials (biomass) to produce fuels, heat and electricity.

Biological EfW means technologies or processes that use microorganisms and enzymes to breakdown waste materials in the absence of oxygen to produce a biogas and a fertiliser-like residue. Anaerobic digestion, and fermentation of waste materials are examples of biological EfW.

Chemical EfW means the production of energy (fuel) from waste materials using chemical agents. An example of this is transesterification, which involves reacting waste fats and oils with an alcohol (methanol) in the presence of a catalyst (sodium hydroxide) to produce biodiesel.

Combustion means the breakdown of waste at elevated temperatures under excess air or oxygen to produce heat, ash, and flue gas.

Commercial technology means a technology that has been in commercial operation for at least two (2) years.

Commercial operation means operation of the technology or facility, in return for financial gain or other valuable consideration, and which is available to the public, or performed under a contract between the technology or facility operator and a customer with no control over the operator.

Comparable jurisdiction means a jurisdiction that imposes requirements similar to those imposed in this policy and in applicable Queensland legislation, including the *Environmental Protection Act 1994* and its subordinate legislation, and the *Waste Reduction and Recycling Act 2011* and its subordinate legislation.

Emerging technology means a technology one that is still going through the research and development process as determined against the Technology Readiness Level Index.

End of waste (EOW) code means a code that sets out the requirements for a particular waste to be reclassified into a resource for one or more specified end uses.

Energy from waste (EfW) means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid or gaseous fuels, heat, or electricity generated using the former.

Fermentation means the breakdown by microorganisms, of the sugars such as glucose, fructose and sucrose, in waste organic matter, into ethanol and carbon dioxide.

Gasification means the breakdown of waste at elevated temperatures under oxygen-reduced conditions to produce a syngas comprising mainly of carbon monoxide, hydrogen, carbon dioxide, nitrogen, and methane.

Headline waste means municipal solid waste, commercial and industrial waste, and construction and demolition waste streams, which are generated from everyday household and business activities. These wastes form the basis of state and federal waste targets and reporting. Headline waste does not include regulated wastes.

Incineration means the destruction of waste using heat, for the primary purpose of disposal.

New technology means a technology that has been in commercial operation for less than two (2) years.

Pyrolysis means the breakdown of waste at elevated temperatures in the absence of oxygen to produce char, pyrolysis oil, and syngas.

Recycling means extracting materials from waste and converting them into useful products. For example, concrete may be extracted from the construction and demolition waste stream and converted into recycled aggregate suitable for use in road base as a virgin material substitute. Recycling includes biological energy-from-waste processes.

Refuse derived fuel (RDF) means a fuel produced from waste, typically by shredding to reduce particle size, dehydrating to remove moisture, and removal of non-combustible materials such as metals.

Residual waste means waste that is not technically, environmentally, and economically practicable to reuse or recycle.

Social licence means the informal approval or endorsement of a project granted by a community.

Stakeholder engagement plan means a plan developed by the proponent of an EfW facility that provides details about project stakeholders, how they will be engaged over the life of the facility and the associated communication activities, and mechanisms to address stakeholder grievances.

Syngas (or synthesis gas) means a fuel gas mixture containing methane, hydrogen, carbon monoxide, carbon dioxide and nitrogen.

Technology Readiness Level (TRL) Index means a method of estimating the maturity level of a particular technology. It is used by the Australian Renewable Energy Agency (ARENA) to measure the technical readiness of renewable energy solutions. It is also used by several government agencies in the USA, including the National Aeronautics and Space Administration (NASA), and the United States Department of Energy. Further information is available from:

- NASA: https://www.nasa.gov/topics/aeronautics/features/trl_demystified.html
- US Department of Energy: <https://www.directives.doe.gov/directives-documents/400-series/0413.3-EGuide-04/view>
- ARENA: <https://arena.gov.au/assets/2014/02/Technology-Readiness-Levels.pdf>.

Thermal EfW means the decomposition of waste at high temperatures to produce heat or release the energy contained in the waste. Combustion with energy recovery, pyrolysis and gasification are examples of thermal EfW.

RTI RELEASE - DSOI 18

Appendix A: Technology Readiness Level Index

The Technology Readiness Level (TRL) Index is a globally-accepted benchmarking tool for tracking progress and supporting development of a specific technology through the early stages of the innovation chain, from blue sky research (TRL 1) to actual system demonstration over the full range of expected conditions (TRL 9). It is used to estimate the maturity of a particular technology.

The following table provides further details of the nine TRLs including examples of the supporting information to help justify a TRL classification.

Table A1: Technology Readiness Levels⁴

Relative level of technology development	TRL	TRL Definition	Description	Supporting information
System operations	TRL 9	Actual system operated over the full range of expected mission conditions	The technology is in its final form and operated under the full range of operating mission conditions. Examples include using the actual system with the full range of wastes in hot operations.	Operational test and evaluation reports.
System commissioning	TRL 8	Actual system completed and qualified through test and demonstration	The technology has been proven to work in its final form and under expected conditions in almost all cases, this TRL represents the end of true system development. Examples include developmental testing and evaluation of the system with actual waste in hot commissioning.	Supporting information includes results of testing the system in its final configuration under the expected range of environmental conditions in which it will be expected to operate. Assessment of whether it will meet its operational requirements. What problems were encountered? What are/were the plans, options or actions to resolve problems before finalising the design?
	TRL 7	Full-scale, similar (prototypical) system demonstrated in relevant environment	This represents a major step up from TRL 6, requiring demonstration of an actual system prototype in a relevant environment. Examples include testing full-scale prototype in the field with a range of simulants in cold commissioning. Final design is virtually complete.	Supporting information includes results from the full-scale testing and analysis of the differences between the test environment, and analysis of what the experimental results mean for the eventual operating system/environment.
Technology demonstration	TRL 6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	Engineering-scale models or prototypes are tested in a relevant environment. This represents a major step up in a technology's demonstrated readiness. Examples include testing an engineering scale prototypical system with a range of simulants. TRL 6 begins true engineering development of the technology as an operational system. The major difference between TRL 5 and 6 is the step up from laboratory scale to	Supporting information includes results from the engineering scale testing and analysis of the differences between the engineering scale, prototypical system/environment, and analysis of what the experimental results mean for the eventual operating system/environment.

⁴ US Department of Energy Technology Readiness Assessment Guide (DOE 413.3-4 10-12-09). Available at <https://www.directives.doe.gov/directives/0413.3-EGuide-04/view>.

Relative level of technology development	TRL	TRL Definition	Description	Supporting information
			<p>engineering scale and the determination of scaling factors that will enable design of the operating system. The prototype should be capable of performing all the functions that will be required of the operational system. The operating environment for the testing should closely represent the actual operating environment.</p>	
Technology development	TRL 5	Laboratory-scale, similar system validation in relevant environment	<p>The basic technological components are integrated so that the system configuration is similar to (matches) the final application in almost all respects. Examples include testing a high-fidelity, laboratory- scale system in a simulated environment with a range of simulants and actual waste.</p> <p>The major difference between TRL 4 and 5 is the increase in the fidelity of the system and environment to the actual application. The system tested is almost prototypical.</p>	Supporting information includes results from the laboratory scale testing, analysis of the differences between the laboratory and eventual operating system/ environment, and analysis of what the experimental results mean for the eventual operating system/ environment.
	TRL 4	Component and/or system validation in laboratory environment	<p>The basic technological components are integrated to establish that the pieces will work together. This is relatively "low fidelity" compared with the eventual system. Examples include integration of ad hoc hardware in a laboratory and testing with a range of simulants and small scale tests on actual waste.</p> <p>TRL 4-6 represent the bridge from scientific research to engineering. TRL 4 is the first step in determining whether the individual components will work together as a system. The laboratory system will probably be a mix of on hand equipment and a few special purpose components that may require special handling, calibration, or alignment to get them to function</p>	Supporting information includes the results of the integrated experiments and estimates of how the experimental components and experimental test results differ from the expected system performance goals.
Research to prove feasibility	TRL 3	Analytical and experimental critical function and/or characteristic proof of concept	<p>Active research and development is initiated. This includes analytical studies and laboratory- scale studies to physically validate the analytical predictions of separate elements of the technology. Examples include components that are not yet integrated or representative tested with simulants.</p> <p>At TRL 3 the work has moved beyond the paper phase to experimental work that verifies that the concept works as expected on simulants. Components of the technology are validated, but there is no attempt to integrate the components into a complete system. Modelling and simulation may be used to complement physical experiments</p>	Supporting information includes results of laboratory tests performed to measure parameters of interest and comparison to analytical predictions for critical subsystems.

Relative level of technology development	TRL	TRL Definition	Description	Supporting information
Basic technology research	TRL 2	Technology concept and/or application formulated	<p>Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions. Examples are still limited to analytic studies.</p> <p>The step up from TRL 1 to TRL 2 moves the ideas from pure to applied research. Most of the work is analytical or paper studies with the emphasis on understanding the science better. Experimental work is designed to corroborate the basic scientific observations made during TRL 1 work.</p>	Supporting information includes publications or other references that outline the application being considered and that provide analysis to support the concept.
	TRL 1	Basic principles observed and reported	This is the lowest level of technology readiness. Scientific research begins to be translated into applied research and development. Examples might include paper studies of a technology's basic properties or experimental work that consists mainly of observations of the physical world.	Supporting Information includes published research or other references that identify the principles that underlie the technology.

Further information on the TRL Index is available from the following sources:

- National Aeronautical and Space Administration: https://www.nasa.gov/topics/aeronautics/features/tri_demystified.html
- US Department of Energy: <https://www.directives.doe.gov/directives-documents/400-series/0413.3-EGuide-04/view>
- Australian Renewable Energy Agency 2014, *Technology readiness levels for renewable energy sectors*, <https://arena.gov.au/assets/2014/02/Technology-Readiness-Levels.pdf>.



WASTE AND CIRCULAR ECONOMY TRANSFORMATION POLICY DIRECTIVE



City of
Ipswich

WASTE & CIRCULAR ECONOMY TRANSFORMATION DIRECTIVE

This policy directive, endorsed by Ipswich City Council on 3 December 2020, will guide Council's strategic and operational approach to managing and influencing systemic changes across waste, resource recovery, recycling and the circular economy to deliver better outcomes for the City of Ipswich and its residents towards 2030.

Establish a Waste Code of Practice

To achieve better outcomes for our community, we will guide best practice among waste producers and operators by creating and implementing an Ipswich Waste Code of Practice in partnership with key stakeholders.

Drive Industry Best Practice

We will create and adopt a diverse range of policies and measures which we will use to: advocate for other levels of Government to deliver legislative reform, drive industry transformation, and guide Ipswich City Council to deliver best practice waste management services on behalf of our community.

Strong Compliance Culture

We will use the full power of Council's policy and legal instruments to drive performance improvements of waste management operations within our communities. We will monitor and enforce approval conditions with greater diligence and we will hold the State Government to account to take greater action on matters for which it is responsible.

Strategic and Sequenced Remediation

We will advocate for and seek to ensure the orderly sequencing and proper remediation of mining voids and end-of-life sites across the Ipswich local government area, and seek for a range of alternate remediation options to be considered. Strategic sequencing will be based on infrastructure, topographical, environmental and social opportunities and constraints. We will proactively seek appropriate investment and funding to ensure community benefits are realised from site remediation.

Protect Our Residential Amenity

We will actively discourage new waste industry developments in close proximity to residential areas where it is clear the development impacts will not be manageable onsite and will negatively detract from amenity. At the same time we will discourage residential encroachment in close proximity to areas designated for future industrial development.

Partnering and Collaboration

We will lead and work collaboratively with all levels of government and SEQ Councils to transform the region's management of waste streams from linear to a circular 'recycle-reuse-remake' solution to achieve an overall reduction of waste going to landfill in Ipswich.

Lead by Example

We will investigate and progressively adopt relevant best practice waste collection and management solutions; and we will provide clear market signals and explicit benchmarks so best-practice commercial operators will invest in Ipswich with confidence.

Leverage Waste Industry Opportunities

We will seek to influence State and Commonwealth waste management policies and strategies and we will align our current and future waste management activities and attract funding so we can leverage industry development opportunities.

Create a Better Return for Ipswich

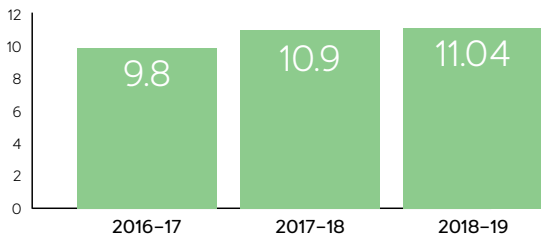
We will advocate for fair and equitable compensation, investment and benefits proportionate to the waste volumes processed in Ipswich from both industry and other levels of government.

Plan for the Future

Through policy intervention and industry collaboration we will ensure that all landfill and waste processing sites, once they are closed, do not leave a negative legacy impact on the city or our residents.

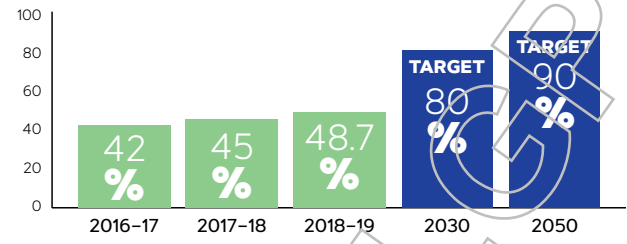
STATE OF WASTE IN QUEENSLAND

Every year the amount of waste Queensland produce increases



million tonnes of headline waste

Significant systematic change is required to meet landfill diversion targets



overall recovery rates for headline waste

THE IPSWICH STORY

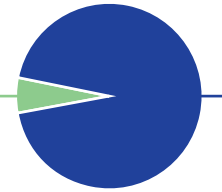
42% Queensland's waste disposed of in Ipswich (2019-20)

Waste to landfill in Ipswich (2018-19)



8,517 community reports received by the Odour Abatement Taskforce in relation to odour, dust and environmental issues in the Swanbank Industrial Area. (DES, 30 November 2020)

6%
256,959 tonnes
Municipal Solid Waste household waste



94%
3,979,041 tonnes
Commercial & Industrial and Construction & Demolition non-household waste

Distribution of waste streams across private landfills in Ipswich (2018-19)

CURRENT WASTE INDUSTRY IN IPSWICH

Swanbank & Willowbank Industrial Areas

- 8 private landfills
- 2 private composting facilities
- 2 tyre recycling facilities

Ipswich City Council

- 2 refuse collection and transfer stations

The Queensland Waste and Resource Recovery Industry is valued at

\$1.5 billion per annum **11,800 jobs**

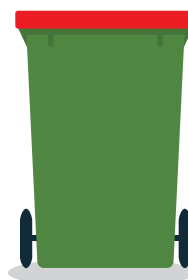
(WRIQ, 2020)

ANNUAL RESIDENTIAL WASTE SNAPSHOT

57,608 tonnes
of general waste to landfill

9,129 tonnes
of recycling to resource recovery facilities

4,869 tonnes
of green waste to composters



Red Bin



Yellow Bin



Green Bin



Ipswich City Council
PO Box 191, Ipswich QLD 4305, Australia
Phone (07) 3810 6666
council@ipswich.qld.gov.au
ipswich.qld.gov.au

[Redacted]

From: [Redacted]
Sent: Monday, 22 November 2021 9:27 AM
To: [Redacted]
Subject: RE: URGENT Monday: Dotters - Ipswich and Waste
Attachments: Waste dot points.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Action

Hi [Redacted]

Please see dot points attached.

Thanks

[Redacted]



[Redacted]

Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]
Sent: Monday, 22 November 2021 8:04 AM
To: [Redacted]
Subject: FW: URGENT Monday: Dotters - Ipswich and Waste

Na

Need your help to pull this together please.

Can you access the range of briefs that been done on these topics ?



[Redacted]

Executive Director
Development Assessment Division
Growth Areas Team Lead

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*

DSDILGP

From: [Redacted]

Sent: Friday, 19 November 2021 5:02 PM

To: [Redacted]

Cc: [Redacted]

Subject: Re: URGENT Monday: Dotters - Ipswich and Waste

Noted [Redacted]

I have my catch up with KD at 9am if we need to find time.

[Redacted]

Get [Outlook for iOS](#)

From: [Redacted]

Sent: Friday, November 19, 2021 5:00 pm

To: [Redacted]

Cc: [Redacted]

Subject: URGENT Monday: Dotters - Ipswich and Waste

Hi [Redacted]

KD would like to discuss this with you both first up on Monday am.

Previous material attached.

Cheers

[Redacted]



[Redacted]

Director
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*

DSDILGP

From: [Redacted]

Sent: Friday, 19 November 2021 4:49 PM

To: [Redacted]

Cc: [Redacted]

Subject: Dotters - Ipswich and Waste

Hey [Redacted]

Can I please get some high level dot points on Ipswich and waste (Wanless, Remondis and Ipswich Waste TLPI's – no more than 2 pages) for the DP for Monday.

The DP will be travelling through Ipswich on Monday and has proposed a 2pm coffee catch up with the Mayor to discuss waste. The Mayor is yet to accept this request.

Thanks

[Redacted]



[Redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6)
Disclosing personal
information
1 William Street Brisbane QLD 4000

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and

delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

RTI RELEASE - DSDIL GP

Ipswich City Council – proposed TLPI (Waste activity regulation)

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- Given the pending expiry of the two existing TLPis, Ipswich City Council (the council) is seeking to continue the regulation of expansion of existing and proposed new waste activities through a single TLPI, as an interim measure while it prepares its new planning scheme.
- On 18 November 2021, the council resolved to make the single proposed TLPI and submitted to the Deputy Premier for approval to resolve in January 2022.
- The proposed TLPI seeks to combine the existing two TLPis the council has proposed a number of amendments to the existing drafting, seeking to improve the assessment provisions of the proposed TLPI.
- Through its amendments, landfill development would be considered an incompatible land use within the TLPI area.
- The department has provided feedback on the proposed TLPI in consultation with the Department of Environment and Science (DES), the Department of Resources (DoR) and other internal stakeholders including State Development (Resource Recovery) and the Office of the Coordinator-General.
- Given the policy position regarding waste does not identify whether there is a need for landfill expansion within Queensland, the department cannot recommend alternative provisions that would increase the compatibility of landfill within the TLPI area.

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:47 PM
To: [Redacted]
Subject: RE: Urgent: seeking copy on COMSEQ

Follow Up Flag: Follow up
Flag Status: Completed

Categories: FYI

Hidden at the very bottom of their website under 'resources' and then 'documents'!

Talk about user friendly 😊

DSDILGP

From [Redacted]
Sent: Monday, 29 November 2021 12:46 PM
To: [Redacted]
Subject: Re: Urgent: seeking copy on COMSEQ

It's on their website 📄

Get [Outlook for iOS](#)

From [Redacted]
Sent: Monday, November 29, 2021 12:45:15 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Urgent: seeking copy on COMSEQ

Rescinding previous email – here it is:

publications/2AtDcVtbrulqXtDbr6kV.pdf (firebasestorage.googleapis.com)



[Redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

From [redacted]

Sent: Monday, 29 November 2021 12:44 PM

To: [redacted]

Cc: [redacted]

Subject: Urgent: seeking copy on COMSEQ

Hi [redacted]

Do you have a copy of the SEQ Waste Management Plan, cited in below statement?

Urgently required for briefing purposes.

[Queensland Government and CoMSEQ working together to fight the war on waste - Ministerial Media Statements](#)



[redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



[Redacted]
From: [Redacted]
Sent: Monday, 22 November 2021 1:08 PM
To: [Redacted]
Subject: FW: URGENT Monday: Dotters - Ipswich and Waste
Attachments: Waste dot points.docx

LGP

From: [Redacted]
Sent: Monday, 22 November 2021 9:27 AM
To: [Redacted]
Subject: RE: URGENT Monday: Dotters - Ipswich and Waste

Hi [Redacted]

Please see dot points attached.

Thanks
Nat



[Redacted]
Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 103, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

Follow us

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.

From: [Redacted]
Sent: Monday, 22 November 2021 8:04 AM
To: [Redacted]
Subject: FW: URGENT Monday: Dotters - Ipswich and Waste

Na
Need your help to pull this together please.

Can you access the range of briefs that been done on these topics ?



[Redacted]

Executive Director
Development Assessment Division
Growth Areas Team Lead
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 19 November 2021 5:02 PM

To: [Redacted]
Cc: [Redacted]

Subject: Re: URGENT Monday: Dotters - Ipswich and Waste

Noted [Redacted]

I have my catch up with KD at 9am if we need to find time.

[Redacted]

Get [Outlook for iOS](#)

From [Redacted]

Sent: Friday, November 19, 2021 5:00 pm

To: [Redacted]
Cc: [Redacted]

Subject: URGENT Monday: Dotters - Ipswich and Waste

Hi [Redacted]

KD would like to discuss this with you both first up on Monday am.

Previous material attached.

Cheers
[Redacted]



[Redacted]

Director
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*

DSDILGP

From [Redacted]

Sent: Friday, 19 November 2021 4:49 PM

To: [Redacted]

Cc: [Redacted]

Subject: Dotters - Ipswich and Waste

Hey [Redacted]

Can I please get some high level dot points on Ipswich and waste (Wanless, Remondis and Ipswich Waste TLPI's – no more than 2 pages) for the DP for Monday.

The DP will be travelling through Ipswich on Monday and has proposed a 2pm coffee catch up with the Mayor to discuss waste. The Mayor is yet to accept this request.

Thanks

[Redacted]



[Redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information
1 William Street Brisbane QLD 4000

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and

delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

RTI RELEASE - DSDIL GP

Ipswich City Council – proposed TLPI (Waste activity regulation)

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- Given the pending expiry of the two existing TLPIs, Ipswich City Council (the council) is seeking to continue the regulation of expansion of existing and proposed new waste activities through a single TLPI, as an interim measure while it prepares its new planning scheme.
- On 18 November 2021, the council resolved to make the single proposed TLPI and submitted to the Deputy Premier for approval to resolve in January 2022.
- The proposed TLPI seeks to combine the existing two TLPIs the council has proposed a number of amendments to the existing drafting, seeking to improve the assessment provisions of the proposed TLPI.
- Through its amendments, landfill development would be considered an incompatible land use within the TLPI area.
- The department has provided feedback on the proposed TLPI in consultation with the Department of Environment and Science (DES), the Department of Resources (DoR) and other internal stakeholders including State Development (Resource Recovery) and the Office of the Coordinator-General.
- Given the policy position regarding waste does not identify whether there is a need for landfill expansion within Queensland, the department cannot recommend alternative provisions that would increase the compatibility of landfill within the TLPI area.

s. 73(2) - Not relevant/ Out of scope

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 22 November 2021 3:26 PM
To: [Redacted]
Subject: For quick peer review please

Categories: Action

Hi [Redacted] is the below OK?

Hi [Redacted]

Thanks for your time earlier to discuss the assessment of the Ipswich Waste TLPI.

As discussed, the assessment of the TLPI against relevant provisions of the Planning Act needs to be undertaken in the strictest of confidence.

Please ensure any project discussions are held in meeting rooms, that you do not disclose details to anyone outside of the project team and to lock your computers / secure hard copies when leaving your desks. If need be, I have also obtained confirmation that you can both work from 1 William Street on request.

The department is still preparing its assessment and a decision from the Minister has not yet been made. So it's important that we act according to the department Code of Conduct, do not prejudice the Minister's decision or relationships.

Regards,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
respectful and reconciled Australia.



From: [redacted]
To: [redacted]
Subject: Fwd: Ipswich TLPI run sheet
Date: Tuesday, 23 November 2021 8:23:20 PM
Attachments: [image004.png](#)
[image004.png](#)
[image005.png](#)

FYI

Regards,
[redacted]

Begin forwarded message:

From: [redacted]
Date: 23 November 2021 at 6:07:37 pm AEST
To: [redacted]
Cc: [redacted]
Subject: RE: Ipswich TLPI run sheet

Thanks [redacted]

Can we please discuss in the morning as I would not have thought it would take that long to prep the instrument given we are not making wholesale changes.

The DP would need to issue the intent earlier if we can.

For context [redacted] we have two packages done for Gympie on 5 days. I am not suggesting we need this speed but I think there is too much fat in the current program.

We should be working on the instrument, the BN, and the PAR at the same time utilising the existing reports we have.

I have given [redacted] a brief this afternoon as well.

Let's chat first thing in the morning.

[redacted]

From: [redacted]
Sent: Tuesday, 23 November 2021 5:26 PM
To: [redacted]
Subject: FW: Ipswich TLPI run sheet

[redacted]

If easier – attached is excel version of program if you would like to make tweaks.

[Redacted]

<!--[if !vml]--><!--



Queensland Government

[endif]-->

[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]

Sent: Tuesday, 23 November 2021 5:20 PM

To: [Redacted]

Cc: [Redacted]

Subject: Ipswich TLPI run sheet

H [Redacted]

Ipswich TLPI program as requested.

I have a couple of questions/comments in the attached – seeking clarification on mapping and timing of legal services review.

Regards,

[Redacted]

<!--[if !vml]--><!--



Queensland Government

[endif]-->

[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

<!--[if !vml]--><!--[endif]-->



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 1:15 PM
To: [Redacted]
Subject: Ipswich TLPI - program
Attachments: Ipswich TLPI program.xlsx

Hi [Redacted]

Any key milestones/questions or other factors that I've omitted in preparing this program?

Could you please take a quick review so I can gain acceptance from [Redacted] on our timing/priorities and resourcing.

Thanks,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



RTI REVIEW

	22-Nov	23-Nov	24-Nov	25-Nov	26-Nov	29-Nov
PROGRAM	INTERNAL PREP INSTRUMENT					INTERNAL P
TLPI INSTRUMENT						
NOTICE TO ELECT						INTERNAL P
BRIEFING NOTES	MAKING OF TLPI					

RTI RELEASE - DSD/GR

30-Nov	1-Dec	2-Dec	3-Dec	6-Dec	7-Dec	8-Dec	9-Dec	10-Dec
& ICC REVIEW				AMENDMENTS TO INSTRUMENTN				

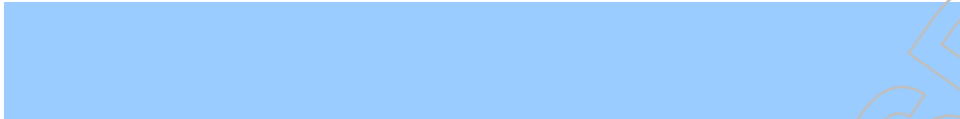
PREP/FINALISATION OF NOTICE TO ELECT	Date of notice TBA
INTERNAL PREP AND FINALISATION OF NOTICE TO MAKE TLPI	

RTI RELEASE - DSD/LLG

13-Dec 14-Dec 15-Dec 16-Dec 17-Dec 20-Dec 21-Dec

LEGAL REVIEW OF INSTRUMENT

BRIEFING



Query regarding BN
cut off / deadline -
currently 21
December but is
there an
opportunity to
progress through to

RTI RELEASE - DSOIL GP

28-Jan

TLPI
02/2020
expires

RTI RELEASE - DSDIL GP

From: [redacted]
To: [redacted]
Cc:
Subject: Ipswich TLPI run sheet
Date: Tuesday, 23 November 2021 5:19:45 PM
Attachments: [Ipswich Waste TLPI runsheet CONFIDENTIAL.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi [redacted]

Ipswich TLPI program as requested.

I have a couple of questions/comments in the attached – seeking clarification on mapping and timing of legal services review.

Regards,
[redacted]

[redacted]
Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

Ipswich Waste TLPI Runsheet

Goal: TLPI in place by 21 December 2021

Documents required (MBN package 1)

- TLPI document (plus mapping)
- MBN (Intention to make)
- PAR
- Statement of Reasons
- Letter to Council

Documents required (MBN package 2)

- MBN (Final making)
- PAR
- Statement of Reasons
- Letter to Council

Need to consult with

- Spatial services – TBA (Note – could ICC support preparation, given we are engaging?)
- Legal services (not yet contacted).

Questions

- Sch. 3(7) - Legal professional privilege

Sch. 3(7) - Legal professional privilege

Media

- Gazette notice
- Newspaper notice
- Media statement
- Holding Lines / Dot points
- Q and As

Timeline

- Fri 3 Dec – PDS draft TLPI package
- Mon 6 Dec – ED review
- Mon 22 – Legal Services review (2 days)
- Wed 8 Dec – State Planner (SP) review
- Thurs 9 Dec – DG review
- Mon 13 Dec – DP consideration
- Fri 17 – DP issues intention to make with council
- TBA – Council responds to Minister
- Tues 21 Dec – TLPI made

Commented [UM2]: Does this occur before or after ED review?

Commented [UM3]: Are we nominating a 1 week period for council to respond? If so, this will risk ticking over into 2022.

Calendar

PROGRAM	22-Nov	23-Nov	24-Nov	25-Nov	26-Nov	29-Nov	30-Nov	1-Dec	2-Dec	3-Dec	6-Dec	7-Dec	8-Dec	9-Dec	10-Dec	13-Dec	14-Dec	15-Dec	16-Dec	17-Dec	20-Dec	21-Dec	28-Jan			
TLPI INSTRUMENT	PDS PREP INSTRUMENT					PG INTERNAL & ICC REVIEW		PDS AMENDMENTS	MGR/R D REVIEW	ED / LEGAL SERVICES REVIEW	SP REVIEW	DG REVIEW	DG REVIEW	DP CONSIDERATION				DP ISSUES IDENTIFIED TO MAKE TLPI	TLPI MADE	TLPI 02/2020 expires						
BRIEFING NOTES	NOTICE TO ELECT	INTERNAL PREP/FINALISATION OF NOTICE TO ELECT																								
	MAKING OF TLPI		INTERNAL PREP AND FINALISATION OF NOTICE TO MAKE TLPI																							

RTI RELEASE SECTORS CDILGP

[redacted]

From: [redacted]
Sent: Tuesday, 23 November 2021 5:21 PM
To: [redacted]
Subject: FW: Ipswich TLPI run sheet
Attachments: Ipswich Waste TLPI runsheet CONFIDENTIAL.docx

Hi [redacted]

This is the indicative program that we are working toward for the Ipswich TLPI.

I am seeking feedback from [redacted] on legal and spatial services timing, so no doubt updates to follow.

[redacted] focus tomorrow is on the instrument.

[redacted] focus tomorrow is on the briefing notes x 2.

Please ensure you've read the best practice code drafting practice note too.

Thanks,

[redacted]



[redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

From: [redacted]
Sent: Tuesday, 23 November 2021 5:20 PM
To: [redacted]
Cc: [redacted]
Subject: Ipswich TLPI run sheet

Hi [redacted]

Ipswich TLPI program as requested.

I have a couple of questions/comments in the attached – seeking clarification on mapping and timing of legal services review.

Regards,

[redacted]



[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASEE - SDIL GP

Ipswich Waste TLPI Runsheet

Goal: TLPI in place by 21 December 2021

Documents required (MBN package 1)

- TLPI document (plus mapping)
- MBN (Intention to make)
- PAR
- Statement of Reasons
- Letter to Council

Documents required (MBN package 2)

- MBN (Final making)
- PAR
- Statement of Reasons
- Letter to Council

Need to consult with

- Spatial services – TBA (Note – could ICC support preparation, given we are engaging?)
- Legal services (not yet contacted).

Questions

Sch. 3(7) - Legal professional privilege

Sch. 3(7) - Legal professional privilege

Media

- Gazette notice
- Newspaper notice
- Media statement
- Holding Lines / Dot points
- Q and As

Timeline

- Fri 3 Dec – PDS draft TLPI package
- Mon 6 Dec – ED review
- Mon 22 – Legal Services review (2 days)
- Wed 8 Dec – State Planner (SP) review
- Thurs 9 Dec – DG review
- Mon 13 Dec – DP consideration
- Fri 17 – DP issues intention to make with council
- TBA – Council responds to Minister
- Tues 21 Dec – TLPI made

Commented [UM2]: Does this occur before or after ED review?

Commented [UM3]: Are we nominating a 1 week period for council to respond? If so, this will risk ticking over into 2022.

Calendar

PROGRAM	22-Nov	23-Nov	24-Nov	25-Nov	26-Nov	29-Nov	30-Nov	1-Dec	2-Dec	3-Dec	6-Dec	7-Dec	8-Dec	9-Dec	10-Dec	13-Dec	14-Dec	15-Dec	16-Dec	17-Dec	20-Dec	21-Dec	28-Jan						
TLPI INSTRUMENT	PDS PREP INSTRUMENT					PG INTERNAL & ICC REVIEW		PDS AMENDMENTS	MGR/R D REVIEW	ED / LEGAL SERVICES REVIEW	SP REVIEW	DG REVIEW	DG REVIEW	DP CONSIDERATION				DP ISSUED INTENT TO MAKE TLPI	TLPI MADE	TLPI expires									
BRIEFING NOTES	NOTICE TO ELECT		INTERNAL PREP/FINALISATION OF NOTICE TO ELECT														Date of notice TBA												
	MAKING OF TLPI		INTERNAL PREP AND FINALISATION OF NOTICE TO MAKE TLPI																										

RTI RELEASEE - CDILGP

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 6:08 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Ipswich TLPI run sheet

Thanks [Redacted]

Can we please discuss in the morning as I would not have thought it would take that long to prep the instrument given we are not making wholesale changes.

The DP would need to issue the intent earlier if we can.

For context [Redacted] we have two packages done for Gympie on 5 days. I am not suggesting we need this speed but I think there is too much fat in the current program.

We should be working on the instrument, the BN, and the PAR at the same time utilising the existing reports we have.

I have given [Redacted] brief this afternoon as well.

Let's chat first thing in the morning.

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 5:26 PM
To: [Redacted]
Subject: FW: Ipswich TLPI run sheet

[Redacted]

If easier – attached is excel version of program if you would like to make tweaks.

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing
personal
information

From [redacted]

Sent: Tuesday, 23 November 2021 5:20 PM

To: [redacted]

Cc: [redacted]

Subject: Ipswich TLPI run sheet

Hi [redacted]

Ipswich TLPI program as requested.

I have a couple of questions/comments in the attached – seeking clarification on mapping and timing of legal services review.

Regards,
[redacted]



[redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 6:30 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: In confidence - as discussed

Hi [Redacted]

Please see below some principles (sorry I thought they were assessment benchmarks) for inclusion in the TLPI.

I will get some time set up this morning to discuss the program and milestones.

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 6:15 PM
To: [Redacted]
Subject: In confidence - as discussed

Hi [Redacted]

I have extracted key sections from emails back and forth to save you reading time.

The below were not drafted as assessment benchmarks but principles for DES EfW Policy – not too much work to convert them to assessment benchmarks though

Defining what you mean by EfW is a key step in drafting the provisions. FYI - the below were based around large thermal scale EfW – smaller farm based EfW such as bio waste etc

[Redacted] as some knowledge in this area – about what is and isn't captured by the ERA and definitions

Hope this assists

Strongest Assessment principle:

- Development of EfW facilities is only supported where the proposal does not result in noise, odour, dust or other emission impacts on current or areas planned for future sensitive land uses. The rights of residents are to be protected and the opportunity for urban growth preserved within the regional planning framework.

Table of broader assessment principle:

<p>Development of EfW facilities is only supported where the proposal does not adversely impact on sensitive land uses</p>	<p>This principle seeks to ensure that high impact EfW facilities are suitably located and clustered in land use zones away from sensitive land uses, with establishment and maintenance of appropriate buffer distances between industry and sensitive receiving land uses. This will help to:</p> <ul style="list-style-type: none"> • minimise complaints from surrounding land uses about noise, odour, dust or other emissions • ensure suitable management of potential risks and impacts. <p>Importantly, EfW facilities must not be located within or near land uses identified for residential, future residential or other locations that may impact surrounding communities. This ensure the rights of residents are protected and preserves the opportunity for urban growth without being affected by high impact industry.</p>
--	--

<p>Development of EfW facilities is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area</p> <p><i>Note: the zoning and development provisions in the local planning scheme provide the desired intent for the area</i></p>	<p>This principle supports the appropriate development of EfW in strategic locations that align with local government and community expectations and where there is less likely to be community opposition.</p> <p>Locating EfW facilities in industry impacted areas occupied by, or intended for, facilities of similar size, scale and intensity provides certainty to industry as to what will be permitted, which supports innovation of waste activities, but does not necessarily preclude smaller scale and/or complementary activities or ancillary activities that are waste related.</p> <p>This provides the opportunity to align developments with current economic, community and environmental needs and considerations.</p>
<p>Development of EfW facilities is only supported where the proposal demonstrates an extended economic benefit to complementary facilities and activities within the region</p>	<p>Through the waste strategy and the Resource Recovery Industries 10-Year Roadmap and Action Plan, the Queensland Government aims to develop industries which are actively supporting the waste hierarchy by diverting waste from landfill, reprocessing and remanufacturing materials, and creating secondary markets. This policy supports this objective by ensuring only residual waste is used for EfW such that EfW does not undermine higher order resource recovery.</p> <p>Economic benefits can be realised through co-location of EfW with industrial facilities. Co-located businesses have greater opportunities to collaborate and innovate and can trade materials (feedstocks and by products) more efficiently, with less transport costs. This can help to catalyse supply chain development opportunities, drive industrial symbiosis, and accelerate a transition to the principles underlying a circular economy.</p>
<p>Development of EfW facilities is only supported where the proposal is consistent with the operation of existing industries</p>	<p>This location principle helps to ensure that EfW developments are consistent with the intent and operation of current industrial activities and do not undermine current activities or operations in the proposed location. EfW facilities located in this manner are likely to align with local government and community expectations and are less likely to attract community opposition.</p>



[Redacted]

Executive Director
 Policy & Statutory Planning
Planning Group
 Department of State Development, Infrastructure,
 Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
 PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
 I offer my respect to elders past, present and emerging as we work towards a just,
 equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 8:28 AM
To: [Redacted]
Subject: FW: In confidence - as discussed

FYI



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

[Redacted]

DSDILGP

From: [Redacted]
Sent: Wednesday, 24 November 2021 6:30 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: In confidence - as discussed

Hi [Redacted]

Please see below some principles (sorry I thought they were assessment benchmarks) for inclusion in the TLPI.

I will get some time set up this morning to discuss the program and milestones.

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 6:15 PM
To: [Redacted]
Subject: In confidence - as discussed

Hi [Redacted]

I have extracted key sections from emails back and forth to save you reading time.

The below were not drafted as assessment benchmarks but principles for DES EfW Policy – not too much work to convert them to assessment benchmarks though

Defining what you mean by EfW is a key step in drafting the provisions. FYI - the below were based around large thermal scale EfW – smaller farm based EfW such as bio waste etc

has some knowledge in this area – about what is and isn't captured by the ERA and definitions

Hope this assists

Strongest Assessment principle:

- Development of EfW facilities is only supported where the proposal does not result in noise, odour, dust or other emission impacts on current or areas planned for future sensitive land uses. The rights of residents are to be protected and the opportunity for urban growth preserved within the regional planning framework.

Table of broader assessment principle:

<p>Development of EfW facilities is only supported where the proposal does not adversely impact on sensitive land uses</p>	<p>This principle seeks to ensure that high impact EfW facilities are suitably located and clustered in land use zones away from sensitive land uses, with establishment and maintenance of appropriate buffer distances between industry and sensitive receiving land uses. This will help to:</p> <ul style="list-style-type: none"> • minimise complaints from surrounding land uses about noise, odour, dust or other emissions • ensure suitable management of potential risks and impacts. <p>Importantly, EfW facilities must not be located within or near land uses identified for residential, future residential or other locations that may impact surrounding communities. This ensure the rights of residents are protected and preserves the opportunity for urban growth without being affected by high impact industry.</p>
<p>Development of EfW facilities is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area</p> <p><i>Note: the zoning and development provisions in the local planning scheme provide the desired intent for the area</i></p>	<p>This principle supports the appropriate development of EfW in strategic locations that align with local government and community expectations and where there is less likely to be community opposition.</p> <p>Locating EfW facilities in industry impacted areas occupied by, or intended for, facilities of similar size, scale and intensity provides certainty to industry as to what will be permitted, which supports innovation of waste activities, but does not necessarily preclude smaller scale and/or complementary activities or ancillary activities that are waste related.</p> <p>This provides the opportunity to align developments with current economic, community and environmental needs and considerations.</p>
<p>Development of EfW facilities is only supported where the proposal demonstrates an extended economic benefit to complementary facilities and activities within the region</p>	<p>Through the waste strategy and the Resource Recovery Industries 10-Year Roadmap and Action Plan, the Queensland Government aims to develop industries which are actively supporting the waste hierarchy by diverting waste from landfill, reprocessing and remanufacturing materials, and creating secondary markets. This policy supports this objective by ensuring only residual waste is used for EfW such that EfW does not undermine higher order resource recovery.</p> <p>Economic benefits can be realised through co-location of EfW with industrial facilities. Co-located businesses have greater opportunities to collaborate and innovate and can trade materials (feedstocks and by products) more efficiently, with less transport costs. This can help to catalyse supply chain development opportunities, drive industrial symbiosis, and accelerate a transition to the principles underlying a circular economy.</p>
<p>Development of EfW facilities is only supported where the proposal is consistent with the operation of existing industries</p>	<p>This location principle helps to ensure that EfW developments are consistent with the intent and operation of current industrial activities and do not undermine current activities or operations in the proposed location. EfW facilities located in this manner are likely to align with local government and community expectations and are less likely to attract community opposition.</p>



[Redacted]

Executive Director
Policy & Statutory Planning

Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and renewed Australia.*



RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 8:28 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: In confidence - as discussed

Categories: Action

Many thanks [Redacted]

Looking forward to chatting at 9am.

Is it okay if I include [Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]
Sent: Wednesday, 24 November 2021 6:30 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: In confidence - as discussed

Hi [Redacted]

Please see below some principles (sorry I thought they were assessment benchmarks) for inclusion in the TLPI.

I will get some time set up this morning to discuss the program and milestones.

[Redacted]

From: [Redacted]
Sent: Tuesday, 23 November 2021 6:15 PM
To: [Redacted]
Subject: In confidence - as discussed

Hi [Redacted]

I have extracted key sections from emails back and forth to save you reading time.

The below were not drafted as assessment benchmarks but principles for DES EfW Policy – not too much work to convert them to assessment benchmarks though

Defining what you mean by EfW is a key step in drafting the provisions. FYI - the below were based around large thermal scale EfW – smaller farm based EfW such as bio waste etc

has some knowledge in this area – about what is and isn't captured by the ERA and definitions

Hope this assists

Strongest Assessment principle:

- Development of EfW facilities is only supported where the proposal does not result in noise, odour, dust or other emission impacts on current or areas planned for future sensitive land uses. The rights of residents are to be protected and the opportunity for urban growth preserved within the regional planning framework.

Table of broader assessment principle:

<p>Development of EfW facilities is only supported where the proposal does not adversely impact on sensitive land uses</p>	<p>This principle seeks to ensure that high impact EfW facilities are suitably located and clustered in land use zones away from sensitive land uses, with establishment and maintenance of appropriate buffer distances between industry and sensitive receiving land uses. This will help to:</p> <ul style="list-style-type: none"> • minimise complaints from surrounding land uses about noise, odour, dust or other emissions • ensure suitable management of potential risks and impacts. <p>Importantly, EfW facilities must not be located within or near land uses identified for residential, future residential or other locations that may impact surrounding communities. This ensure the rights of residents are protected and preserves the opportunity for urban growth without being affected by high impact industry.</p>
<p>Development of EfW facilities is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area</p> <p><i>Note: the zoning and development provisions in the local planning scheme provide the desired intent for the area</i></p>	<p>This principle supports the appropriate development of EfW in strategic locations that align with local government and community expectations and where there is less likely to be community opposition.</p> <p>Locating EfW facilities in industry impacted areas occupied by, or intended for, facilities of similar size, scale and intensity provides certainty to industry as to what will be permitted, which supports innovation of waste activities, but does not necessarily preclude smaller scale and/or complementary activities or ancillary activities that are waste related.</p> <p>This provides the opportunity to align developments with current economic, community and environmental needs and considerations.</p>
<p>Development of EfW facilities is only supported where the proposal demonstrates an extended economic benefit to complementary facilities and activities within the region</p>	<p>Through the waste strategy and the Resource Recovery Industries 10-Year Roadmap and Action Plan, the Queensland Government aims to develop industries which are actively supporting the waste hierarchy by diverting waste from landfill, reprocessing and remanufacturing materials, and creating secondary markets. This policy supports this objective by ensuring only residual waste is used for EfW such that EfW does not undermine higher order resource recovery.</p> <p>Economic benefits can be realised through co-location of EfW with industrial facilities. Co-located businesses have greater opportunities to collaborate and innovate and can trade materials (feedstocks and by products) more efficiently, with less transport costs. This can help to catalyse supply chain development opportunities, drive industrial symbiosis, and accelerate a transition to the principles underlying a circular economy.</p>
<p>Development of EfW facilities is only supported where the proposal is consistent with the operation of existing industries</p>	<p>This location principle helps to ensure that EfW developments are consistent with the intent and operation of current industrial activities and do not undermine current activities or operations in the proposed location. EfW facilities located in this manner are likely to align with local government and community expectations and are less likely to attract community opposition.</p>



[Redacted]

Executive Director
Policy & Statutory Planning
Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and renewed Australia.*



RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 10:37 AM
To: [Redacted]
Cc: [Redacted]
Subject: Ipswich Waste TLPI: workload management

Hi [Redacted]

Thanks for your today to discuss the assessment of the Ipswich Waste TLPI.

As discussed, in the absence of a decision from the Deputy Premier on the Ipswich TLPI, please note that assessment against the relevant provisions of the Planning Act needs to be undertaken in the strictest of confidence. There is a risk that fundamental working relationships could be damaged if information is shared prematurely / before the Deputy Premier makes his decision.

Please ensure any project discussions are held in meeting rooms, that you do not disclose details to anyone outside of the project team and to lock your computers / secure hard copies when leaving your desks. If need be, I have also obtained confirmation that you can both work from 1 William Street on request.

Regards,

[Redacted]



**Queensland
Government**

[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams -- [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 10:44 AM
To: [Redacted]
Cc: [Redacted]
Subject: Narrative

Hi [Redacted]

The below needs refinement, but here is the basis /rationale for the DP's notice to elect.

- The State government position on Energy from Waste (EfW) is an emerging policy area.
- As the Deputy Premier is unable to amend the council resolved TLPI (date X), which does not include provisions for EfW policy.
- It is therefore appropriate for the Deputy Premier to take a precautionary approach and elect to make a new TLPI applying provisions for EfW.
- As well as EfW policy, the Deputy-Premier also undertook to resolve other aspects of the council resolved TLPI that needed refinement, including:
 - Definitions for: Clean earthen material, unenclosed composting, X, X, X
 - Balanced assessment provisions for landfill
 - Workability and code construct
 - Best practice code drafting.

Regards,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I pay my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]
From: [Redacted]
Sent: Wednesday, 24 November 2021 12:32 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: DP/DG paper: Ipswich Waste Activities

Categories: FYI

Thanks [Redacted]

We are on it! 😊

Regards
[Redacted]



[Redacted]
Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and renewed Australia.*



From: [Redacted]
Sent: Wednesday, 24 November 2021 12:22 PM
To: [Redacted]
Cc: [Redacted]

Subject: DP/DG paper: Ipswich Waste Activities

Hi [Redacted]

The DG has asked for a DP/DG paper (for Friday's meeting) on Ipswich waste activities – refer attached template.

[redacted] has asked that this be led from PDS, with support from Brisbane.

I understand the primary purpose is to bring the components parts and how they work together into one paper for the DP.

In this regard, it should cover (and the attached dot points should provide a good basis):

Ipswich TLPI (and current discussions with ICC)

s. 73(2) - Not relevant/ Out of scope
[redacted]

We would need by cob today/early tomorrow if you need more time.

Cheers

[redacted]



[redacted]

Director
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]
From: [Redacted]
Sent: Wednesday, 24 November 2021 12:32 PM
To: [Redacted]
Subject: Fwd: Energy from Waste

Regards,
[Redacted]

Begin forwarded message:

From: [Redacted]
Date: 24 November 2021 at 11:30:21 am AEST
To: [Redacted]
Subject: Energy from Waste

Hi [Redacted]

Some very quick thoughts (that may not be helpful) for you in developing a definition for Energy from Waste for the TLPI:

1. The EP Reg – Schedule 2, Part 3, section 14 – Electricity generation defines co-generation (snip below). You could use this as a base for your definition e.g. energy from waste means using waste to produce electrical energy

co-generating means using a fuel to simultaneously produce heat and electrical energy.

2. The Waste reduction and recycling act 2011 includes a definition for recycling activity which includes reference to extracting energy from waste resources (snip below)

recycling activity includes—

- (a) re-using waste resources; and
- (b) recycling waste resources to make the same or different products; and
- (c) recovering waste resources, including extracting **energy** from those resources.

3. The Waste reduction and recycling act 2011 includes a definition for waste facility which includes reference to converting waste to energy (snip below)

waste facility—

- 1 A *waste facility* is a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy, sorting, consolidation or disposal (including by disposal to landfill) of waste.

Questions for when you are drafting a definition:

- Is it just the 'act' of generating energy from waste? Or do you need to include the receipt and temporary storage of waste as well
- Is there a limit or capacity for the electricity generation? e.g. 10MW or more?

Regards



Director
DA Division
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 12:39 PM
To: [Redacted]
Subject: FW: DP/DG paper: Ipswich Waste Activities
Attachments: DP DG one pager brief template.DOCX; Waste dot points.docx; URGENT Monday: Dotters - Ipswich and Waste
Categories: FYI

Other attachments in the email.....

From: [Redacted]
Sent: Wednesday, 24 November 2021 12:22 PM
To: [Redacted]
Cc: [Redacted]
Subject: DP/DG paper: Ipswich Waste Activities

Hi [Redacted]

The DG has asked for a DP/DG paper (for Friday's meeting) on Ipswich waste activities – refer attached template.

[Redacted] has asked that this be led from PDS, with support from Brisbane.

I understand the primary purpose is to bring the components parts and how they work together into one paper for the DP.

In this regard, it should cover (and the attached dot points should provide a good basis):

Ipswich TLPI (and current discussions with ICC)

s. 73(2) - Not relevant/ Out of scope

[Redacted]

We would need by cob today/early tomorrow if you need more time.

Cheers

[Redacted]



[Redacted]

Director
Office of the State Planner
 Department of State Development, Infrastructure,
 Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

Ipswich City Council – proposed TLPI (Waste activity regulation)

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- Given the pending expiry of the two existing TLPIs, Ipswich City Council (the council) is seeking to continue the regulation of expansion of existing and proposed new waste activities through a single TLPI, as an interim measure while it prepares its new planning scheme.
- **On 18 November 2021, the council resolved to make the single proposed TLPI and submitted to the Deputy Premier for approval before the end of year.**
- The proposed TLPI seeks to combine the existing two TLPIs the council has proposed a number of amendments to the existing drafting, seeking to improve the assessment provisions of the proposed TLPI.
- Through its amendments, landfill development would be considered an incompatible land use within the TLPI area.
- The department has provided feedback on the proposed TLPI in consultation with the Department of Environment and Science (DES), the Department of Resources (DoR) and other internal stakeholders including State Development (Resource Recovery) and the Office of the Coordinator-General.
- Given the policy position regarding waste does not identify whether there is a need for landfill expansion within Queensland, the department cannot recommend alternative provisions that would increase the compatibility of landfill within the TLPI area.

s. 73(2) - Not relevant/ Out of scope

Page 145 redacted for the following reason:

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Friday, 19 November 2021 5:01 PM
To: [Redacted]
Cc: [Redacted]
Subject: URGENT Monday: Dotters - Ipswich and Waste
Attachments: D21 224495 DP DG paper Wanless Recycling Park, Ebenezer - 12 November 2021.docx; D21 226472 DP DG paper Ipswich City Council – proposed TLPI (waste activity regulation) - 22 November 2021.docx

Importance: High

Hi [Redacted]

[Redacted] would like to discuss this with you both first up on Monday am.

Previous material attached.

Cheers

[Redacted]



[Redacted]

Director
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]
Sent: Friday, 19 November 2021 4:49 PM
To: [Redacted]

Cc: [redacted]

Subject: Dotters - Ipswich and Waste

Hey [redacted]

Can I please get some high level dot points on Ipswich and waste (Wanless, Remondis and Ipswich Waste TLPI's – no more than 2 pages) for the DP for Monday.

The DP will be travelling through Ipswich on Monday and has proposed a 2pm coffee catch up with the Mayor to discuss waste. The Mayor is yet to accept this request.

Thanks

[redacted]



[redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information
[redacted]
William Street Brisbane QLD 4000

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

RTI RELEASED DSDILCP

RTI RELEASE - DSDIL GP

Wanless Recycling Park, Ebenezer

Deputy Premier/Director-General Weekly Meeting

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

s. 73(2) - Not relevant/ Out of scope

TLPI

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- Given the pending expiry of the two existing TLPIs, Ipswich City Council (the council) is seeking to continue the regulation of waste activities through a single TLPI, as an interim measure while it prepares its new planning scheme.
- In addition to combining the existing two TLPIs, the council has proposed a number of amendments to the existing drafting, seeking to improve the assessment provisions of the proposed TLPI.
- In preparing the proposed TLPI, the council has sought feedback from DSDILGP, with the aim to submit the single TLPI to the Minister for approval in November 2021.
- A separate briefing on the TLPI has been prepared by the Planning Group.

s. 73(2) - Not relevant/ Out of scope

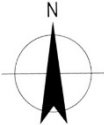
Key issues

s. 73(2) - Not relevant/ Out of scope

- The TLPs have been established to provide Ipswich City Council with an appropriate set of assessment benchmarks to assess applications for waste and landfill activities.

s. 73(2) - Not relevant/ Out of scope

Department of State Development, Infrastructure, Local Government and Planning
Attachment 1 – Local Context Plan
Proposed Wanless Recycling Park, Ebenezer



RTI RELEASE - DSDIL GP



Wanless Recycling Park, Ebenezer

RTI RELEASE - DSDIL GP

RTI RELEASE - DSDIL GP

Ipswich City Council – proposed TLPI (waste activity regulation)



Deputy Premier/Director-General Weekly Meeting

Ipswich City Council – proposed TLPI (Waste activity regulation)

Issue

- Given the pending expiry of the two existing TLPIs, Ipswich City Council (the council) is seeking to continue the regulation of waste activities through a single TLPI, as an interim measure while it prepares its new planning scheme.

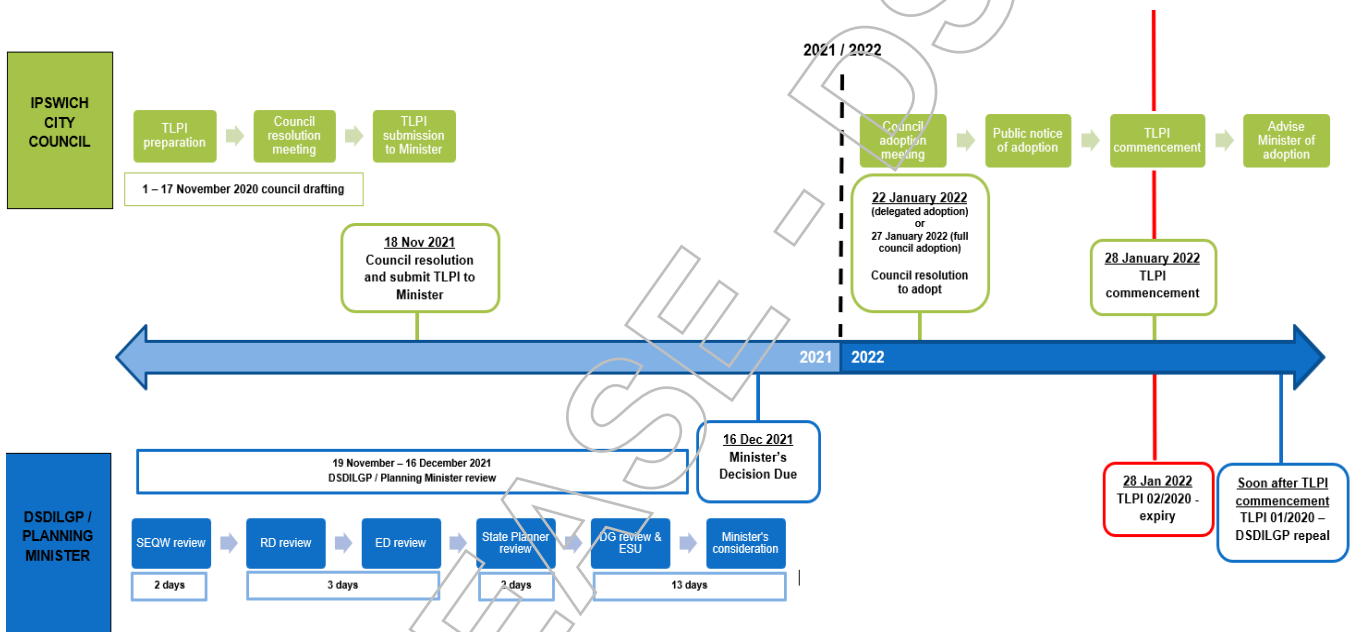
Background

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- In addition to combining the existing two TLPIs, the council has proposed a number of amendments to the existing drafting, seeking to improve the assessment provisions of the proposed TLPI.
- In preparing the proposed TLPI, the council has sought feedback from DSDILGP, with the aim to submit the single TLPI to the Minister for approval in November 2021 (refer **Figure 1 below**).
- DSDILGP has provided feedback on the proposed TLPI in consultation with the Department of Environment and Science (DES), the Department of Resources (DoR) and other internal stakeholders including State Development (Resource Recovery) and the Office of the Coordinator-General.
- On 10 November 2021, DSDILGP met with Ipswich City Councillors and council officers to discuss the key policy matters and outstanding issues.
- The key focus of the discussion was on a "needs assessment" introduced into the proposed TLPI, which includes the requirement for an applicant to demonstrate need where proposing a new landfill or expansion to the capacity of an existing landfill. DSDILGP advised the council that it does not support the inclusion of this requirement because:
 - it is a significant policy shift that is too premature to incorporate into the TLPI (given its subjectivity and no requirement for public consultation)
 - insufficient information has been provided to justify its inclusion
 - the tests, as currently proposed, are subjective in nature and difficult for applicants to comply with.
- DSDILGP has made it clear to the council that it would like to continue discussing the needs assessment as part of the preparation of the new Ipswich Planning Scheme. This will also mean that the inclusion of this test is publicly consulted on before its inclusion in a statutory instrument.

Proposed Action

- The council intends to both resolve to make the TLPI and submit it the Deputy Premier for approval on 18 November 2021. The forecasted due date is 16 December 2021.
- Council officers have advised DSDILGP that the council intends to take two versions of the proposed TLPI to the council meeting:
 - Version 1: proposed TLPI including the needs assessment
 - Version 2: proposed TLPI without the needs assessment.
- The version submitted to the Deputy Premier for approval will be determined by council resolution.
- If the proposed TLPI is approved by the Deputy Premier, it is recommended that the Deputy Premier also repeal the existing TLPI No. 1 of 2020 (Waste Activity Regulation) to avoid duplication of planning provisions.

Figure 1– TLPI Timeline



RTI RELEASE - DSDIL GP

RTI RELEASE - DSDIL GP

Insert subject title

Insert subheading

Deputy Premier/Director-General Weekly Meeting

Insert subject title here

Issue

- **One dot point** that clearly and simply outlines the problem.

Proposed Action/Solution

- What do we propose doing to address the issue? For example:
 - DG DSDILGP to meet proponent in week commencing 12 August to resolve issues
 - Deputy Premier to write to Minister XX suggesting the following three changes... (draft letter attached)
 - Deputy Premier to write to Premier proposing the following (a) ... (b) ... (c) ...
 - Cabinet/CBRC submission to be prepared.

Timeframes

- Outline expected timeframes/milestones and approvals pathway if not already addressed above
- Use a simple table if there are several key dates

Overall - keep all text short and punchy so it can be read 'at a glance'

Insert subject title

RTI RELEASE - DSDIL GP

From:
To:
Cc:
Subject: RE: Ipswich TLPI strategy meeting
Date: Wednesday, 24 November 2021 12:50:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

NO problem. Just keen to have a chat first up. We can do that in person without Nat in the first instance.

Regards
N

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au

-----Original Appointment-----

From:
Sent: Wednesday, 24 November 2021 12:49 PM
To:
Cc:
Subject: Accepted: Ipswich TLPI strategy meeting
When: Thursday, 25 November 2021 9:30 AM-10:00 AM (UTC+10:00) Brisbane.
Where: Ippy Office

Hi I am ok to attend but will be in Bris and facilitating workshop.

Is this OK? She will likely come back to the office tomorrow after the workshop, car parking in City pending your approval.

Thanks,

Page 163 redacted for the following reason:
-----Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice
confidentiality of Cabinet considerations or operations

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Wednesday, 24 November 2021 5:19 PM
To: [Redacted]
Cc: [Redacted]
Subject: Thoughts on how to communicate 'changes'

Hi [Redacted]

I'm chipping away at the table but thought I'd pop a thought bubble out there on how to structure the assessment section of the PAR.

From memory Gympie only had a comparison to only the existing TLPI v the proposed TLPI, and we weren't sure how to treat the council resolved one.

My suggestion is that we can break the section into 2 paragraphs, as follows:

1. provide an overview of the key changes proposed from the existing to the proposed TLPI (i.e. things DSDILGP are on page with council about); and
2. details of the further refinements that were required by the Minister (i.e. new additions/edits).

I think we discussed this, but just wanted to make sure you had a copy.

We won't be able to finalise these paragraphs until we have completed the comparison table. But I'm happy to keep chipping away at that tomorrow morning.

Hope you're going okay with the PAR and that the TLPI 01/2018 assisted you?

Thanks,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and renewed Australia.



Pages 165 through 171 redacted for the following reasons:
-----Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice
confidentiality of Cabinet considerations or operations

RTI RELEASE - DSDIL GP

RTI RELEASE - DSDIL GP





Brett >

Thu, 25 Nov, 8:50 am

Good morning, would you have some time for a chat on all things tlp some time today. I had a follow up conversation with our CEO later yesterday. Thanks! I am busy 10-12:30 and 1-2:30

Thu, 25 Nov, 10:03 am

Hi Brett. Yes we can talk just after 12.30pm. I'll give you a call. The plan is to give you the draft instrument on Monday and we will walk you through the proposed changes. Pending time, we may be able to give you a comparison table too. Speak later. Anna

Thu, 25 Nov, 11:22 am

Sounds good.

Thu, 25 Nov, 12:41 pm

I'll ring you shortly. I have been held up.

Fri, 3 Dec, 1:59 pm

Hi Brett

Text Message





Ursula >



Add and share your name and photo

Set Up...



when you're back at your desk and we'll jump on to meeting. Ministers is definitely the new time I'm working in too!



I'm ten minutes away

Thu, 25 Nov, 10:59 am

Have just sent teams invite for 11am. We're in a meeting room now - need to give you update on how we're tracking plus update on TLPI instrument. Important you receive update before meeting with Brett.

On my way

Great thank you

Thu, 25 Nov, 4:44 pm

I've just left the office and have handed over everything to Nathan and Natalie.

Call if needed though!

Thu, 25 Nov, 6:11 pm



iMessage



Pages 175 through 176 redacted for the following reasons:

Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 6:28 AM
To: [Redacted]
Cc: [Redacted]
Subject: ICC TLPI

Hi [Redacted]

Can you please confirm with Legal Services this morning the program for the ICC TLPI and confirm when their review will commence. First package needs to be in the approval chain by 3 December at the latest.

Thanks,

[Redacted]



Executive Director
Planning and Development Services
Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 18, 1 William Street, Brisbane QLD 4000
PO Box 15888, City East QLD 4022
statedevelopment.qld.gov.au

Follow us



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



RTI RELEASED
DSD/PLGP

[Redacted]
From: [Redacted]
Sent: Thursday, 25 November 2021 8:32 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Thoughts on how to communicate 'changes'

Hi [Redacted]

Thanks heaps, this clarifies how I can draft this section.

Yes going well with the PAR. You [Redacted] could get in there today to make comments/changes.

Looking to get a move on with the BN this morning as well.

Kind regards,



[Redacted]
Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]
Sent: Wednesday, 24 November 2021 5:19 PM
To: [Redacted]
Cc: [Redacted]
Subject: Thoughts on how to communicate 'changes'

Hi [Redacted]

I'm chipping away at the table but thought I'd pop a thought bubble out there on how to structure the assessment section of the PAR.

From memory Gympie only had a comparison to only the existing TLPI v the proposed TLPI, and we weren't sure how to treat the council resolved one.

My suggestion is that we can break the section into 2 paragraphs, as follows:.

1. provide an overview of the key changes proposed from the existing to the proposed TLPI (i.e. things DSDILGP are on page with council about); and

2. details of the further refinements that were required by the Minister (i.e. new additions/edits).

I think we discussed this, but just wanted to make sure you had a copy.

We won't be able to finalise these paragraphs until we have completed the comparison table. But I'm happy to keep chipping away at that tomorrow morning.

Hope you're going okay with the PAR and that the TLPI 01/2018 assisted you?

Thanks,

[Redacted signature box]



[Redacted name box]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging, as we work towards a just, equitable and reconciled Australia.



RTI RELEASED

Pages 180 through 186 redacted for the following reasons:

-----Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice
confidentiality of Cabinet considerations or operations

RTI RELEASE - DSDIL GP

RTI RELEASE - DSDIL GP

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: ICC TLPI
Date: Thursday, 25 November 2021 8:42:16 AM
Attachments: [image002.png](#)
[image001.png](#)
[image005.png](#)

Hi [redacted]

On another note, would you like to run through of the revised instrument at some point today?

We've been making a lot of changes (somewhere between the existing and council resolved TLPI versions, as you suggested).

However there are a few places where we are taking it a little further – either for best practice code drafting/workability, or to reduce ambiguity.

If so, let me know what time would suit.

Regards,

[redacted]

[redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [redacted]

Sent: Thursday, 25 November 2021 6:28 AM

To: [redacted]
Cc: [redacted]

Subject: ICC TLPI

H [redacted]

Can you please confirm with Legal Services this morning the program for the ICC TLPI and confirm when their review will commence. First package needs to be in the approval chain by 3 December at the latest.

Thanks,

[redacted]



[Redacted]

Executive Director
Planning and Development Services
Planning Group

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.

RTI RELEASE - DSDILGP

From: [redacted]
To: [redacted]
Subject: RE: DP DG one pager - summary of waste proposals_24 November 2021_SD for comment
Date: Thursday, 25 November 2021 8:43:29 AM
Attachments: [image001.png](#)
[image003.png](#)

Thanks [redacted]

This is really helpful and will inform the fine tuning/narrative in the briefing.

[redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing
personal
information

From: [redacted]
Sent: Thursday, 25 November 2021 8:01 AM
To: [redacted]
[redacted]
Subject: DP DG one pager - summary of waste proposals_24 November 2021_SD for comment

Hi [redacted]

Please find attached the draft DP/DP brief on waste proposals I prepared for your FYI. There may be additional information added from [redacted] area and I will ensure that you get an updated copy.

Good luck today. Ring me if you need anything.

Thanks,

[redacted]

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: Re: ICC TLPI
Date: Thursday, 25 November 2021 9:17:29 AM
Attachments: [image001.png](#)

Get [Outlook for iOS](#)

From: [Redacted]
Sent: Thursday, November 25, 2021 6:28:12 AM
To: [Redacted]
Cc: [Redacted]
Subject: ICC TLPI

Hi [Redacted]

Can you please confirm with Legal Services this morning the program for the ICC TLPI and confirm when their review will commence. First package needs to be in the approval chain by 3 December at the latest.

Thanks,

[Redacted]



[Redacted]
Executive Director
Planning and Development Services
Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

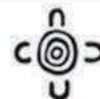
Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [redacted]
To: [redacted]
Cc:
Subject: RE: ICC TLPI
Date: Thursday, 25 November 2021 10:08:52 AM
Attachments: [image002.png](#)
[image004.png](#)
[image001.png](#)

Hi [redacted]

Yes I can meet this afternoon. How much is a lot – are we still within the definition of tinkering or have we fundamentally changed ICC’s draft?

[redacted] has asked to speak to me today. I am speaking to him at 12.30. I have let him know that we are intending on providing a draft version of the TLPI on Monday supported by a meeting to talk through the proposed changes.

Speak soon,

[redacted]

From: [redacted]
Sent: Thursday, 25 November 2021 8:42 AM

To: [redacted]
Cc: [redacted]
[redacted]

Subject: RE: ICC TLPI

Hi [redacted]

On another note, would you like to run through of the revised instrument at some point today?

We’ve been making a lot of changes (somewhere between the existing and council resolved TLPI versions, as you suggested).

However there are a few places where we are taking it a little further – either for best practice code drafting/workability, or to reduce ambiguity.

If so, let me know what time would suit.

Regards,
[redacted]

[redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]

Sent: Thursday, 25 November 2021 6:28 AM

To: [Redacted]

Cc: [Redacted]

Subject: ICC TLPI

Hi [Redacted]

Can you please confirm with Legal Services this morning the program for the ICC TLPI and confirm when their review will commence. First package needs to be in the approval chain by 3 December at the latest.

Thanks,

[Redacted]



[Redacted]

Executive Director
Planning and Development Services
Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

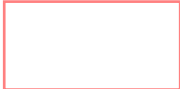
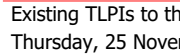
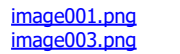
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



From: 
To: 
Cc: 
Subject: Existing TLPs to the council's resolved TLPI: summary changes
Date: Thursday, 25 November 2021 12:05:00 PM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Key policy areas were discussed through early engagement:

- The introduction of a background section, which intends to articulate the policy context and set the scene for the document.
- The introduction of reference to the Queensland Government's Waste and Resource Management Hierarchy into the document.
- Proposed regulation of compost manufacturing and interaction with the Environmental Protection framework.
- Changes to the definitions of compost manufacturing, in particular the description of 'enclosed' and 'unenclosed' uses and the implications for in-vessel composting.
- Inclusion of a 'planning needs' assessment in the assessment benchmarks.

Kind regards,



Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]
To: [redacted]
Subject: FW: Ipswich Waste TLPI
Date: Thursday, 25 November 2021 1:07:00 PM
Attachments: [image001.png](#)
[image005.png](#)
[Waste protections extended for Ipswich residents.msg](#)
[Ipswich Waste Activities.tr5](#)
[Narangba TLPI.tr5](#)
[image010.png](#)
[image016.png](#)
[image003.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image015.png](#)
[image017.png](#)
[image018.png](#)

FYI previous Source references below. let me know of any key stuff you think we need to include (i.e. for legal).

Focusing on Package 1 – intention to make.

Kind regards,

[redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
statedevelopment.qld.gov.au

From: [redacted]
Sent: Wednesday, 24 November 2021 2:33 PM
To: [redacted]
Subject: FW: Ipswich Waste TLPI

See below.

Thanks,

[redacted]

[redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [redacted]

Sent: Wednesday, 10 November 2021 10:04 AM

To: [redacted]

Subject: RE: Ipswich Waste TLPI

Hi [redacted]

[redacted] has asked for the following media to support the new Ipswich TLPI:

- Key messages (holding lines)
- Q+As
- MP briefing pack

We will draft this in PDS and send to you for review. Because the TLPI itself is still being finalised, we can't finish this work.

The plan is for Ipswich City Council to lead the making of one consolidated new TLPI to cover all waste areas. The Min-lead TLPI will only be considered as a last resort if we can't get agreement on the TLPI. So for all the supporting comms, it's best to stick with a council-led process for now and run with that.

Here are the previous records I've found:

- F18/4215: Original Minister TLPI (Swanbank/New Chum)
- F18/4705: Original Council TLPI (Willowbank/Ebenezer)
- F20/1766: Remake of Minister TLPI (Swanbank/New Chum) and remake of Council TLPI (Willowbank/Ebenezer)
- Media release for the 2020 TLPIs. It would make sense for the DP to do a media release for this one also.
- The 2021 estimates brief for Ipswich Waste Activities is also attached.

[redacted] – attached is the Narangba TLPI comms material package.

Regards

[redacted]

[redacted]

Regional Director (South)

Planning and Development Services

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]

Sent: Wednesday, 10 November 2021 9:17 AM

Subject: RE: Ipswich Waste TLPI

Hi team

Just need to check in where things are at with holding lines for the proposed Ipswich CC TLPs x 2.

[redacted] in response to your query about comms materials for when the 2020 TLPI, I was not working in the department at the time, but I suspect that there would not have been any comms materials created. This would not have been seen as a significant issue and therefore, no media release or holding lines.

Given we have two TLPIs occurring for the same council area, the new holding lines need to include references to both TLPIs. Even if you just send a list of dot points which we can then work into some holding lines. The holding lines need to address the purpose/benefits of the extension to the TLPIs and what the TLPI (and subsequent change to the planning scheme) will mean for the area e.g. it's about providing a balance between protecting residents from Ipswich becoming a dumping area vs economic benefit?

Kind regards

[redacted]
Manager

Media & Communication

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal
information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 1509, City East QLD 4001

statedevelopment.qld.gov.au

From: [redacted]

Sent: Wednesday, 10 November 2021 9:03 AM

[redacted]

Subject: RE: Ipswich Waste TLPI

Morning [redacted]

Just wondering if you've had a chance to look at this one yet?

Thanks so much,

[redacted]



[redacted]

Senior Communications Advisor
Strategic Communications - Planning
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

1 William Street, Brisbane QLD 4000
statedevelopment.qld.gov.au

From: [redacted]

Sent: Monday, 8 November 2021 9:54 AM

[redacted]

Subject: Ipswich Waste TLPI

Good morning [redacted]

Hope you had a nice weekend

Just wanted to touch base with you around the Ipswich waste TLPI, as [redacted] has asked me to work on a few things. Some questions below.

1. Can you please confirm if you, or anyone from your team, as started work on updating the attached document? I believe [redacted] pulled info from a 2019 media response. I also wanted to check how the Q&As were coming along and if you needed a hand with them?

2. We also got the attached email this morning around the issue. I was a little confused by it as I am not fully across who is in what team and which team is responsible for what (apologies – still getting my head around the beast that is Planning).

- a. If this is still a council lead TLPI, we'll only be providing holding lines, but [redacted] sounds like he is leaning more towards it being a DP lead initiative. I think we want to avoid doing all the media and comms work unless it is confirmed that the DP/DG is leading the TLPI.

I have a few meetings this morning but please let me know if it's easier for you to chat over the phone.

Thank you kindly,

[redacted]



[redacted]

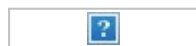
Senior Communications Advisor
Strategic Communications - Planning
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

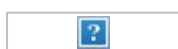
1 William Street, Brisbane QLD 4000
statedevelopment.qld.gov.au

RTI RELEASE

From: [Media Statements QLD](#)
To:
Subject: Waste protections extended for Ipswich residents
Date: Friday, 3 April 2020 7:05:27 AM



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



Waste protections extended for Ipswich residents

Waste protections in Ipswich that were due to expire in the next week will be extended for a further two years.

These measures will maintain the state government's temporary local planning instrument (TLPI) that covers the Swanbank/New Chum areas, and Ipswich City Council's TLPI for the Ebenezer/Willowbank/Jeebropilly areas.

Member elect for Bundamba Lance McCallum said the TLPIs will provide more certainty to the Ipswich community.

"The existing TLPIs are effective, so it's vital we continue to regulate what can and cannot occur in these areas," Mr McCallum said.

"I know how important the issue of waste management is to our community, which is why I got straight onto the Planning Minister this week to ensure existing protections were extended.

"The TLPIs continue the introduction of the 750-metre buffer zone from existing, approved or planned residential areas.

"They also ensure elements of council's current planning scheme relating to waste activities in these areas remain suspended while council finalise a new planning scheme."

Minister for Planning Cameron Dick said the TLPIs will give the Ipswich community and the development industry certainty when it comes to waste in Ipswich.

"The Queensland Government will work closely with the new Ipswich City Council to have the provisions incorporated into its updated planning scheme," Mr Dick said.

"This will give permanent effect to the waste protections we've put in place."

The TLPIs will be in place for up to two years, during which time council is expected to have a new planning scheme in place to incorporate the provisions of the TLPIs.

ENDS

Media contact: Ben Doyle Sch. 4(4)(6) - Disclosing personal information

[Unsubscribe](#)

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 1:19 PM
To: [Redacted]
Subject: FW: Correspondence for TLPI
Attachments: Letter to DG from CEO - TLPI 1 of 2022.doc; Letter to Minister from Mayor - TLPI 1 of 2022.doc

Follow Up Flag: Follow up
Flag Status: Completed

Categories: FYI

As discussed, these are likely to change a little, probably not major.



[Redacted] | Manager, City Design
 City Design Branch
 Planning and Regulatory Services Department

IPSWICH CITY COUNCIL | Sch. 4(4)(6) -
Disclosing personal
information

DSDILGP



Confidential Communication | [Email Disclaimer](#)

RTI RELEASED

«Application_Number»«Employee_Info_Type_1»

«Employee_Name»

«Employee_Comm_Type_1»

Attn Steven Miles MP
Deputy Premier and Minister for State
Development, Infrastructure, Local
Government and Planning

18 November 2022

Dear Steven,

Re: Temporary Local Planning Instrument 1 of 2022 – Ipswich City Council

On 18 November 2022 Council Resolved to make a new Temporary Local Planning Instrument, being Temporary Local Planning Instrument 1 of 2022: Resource Recovery and Waste Activity Regulation (proposed TLPI). In accordance with the *Planning Act 2016*.

The proposed TLPI is intended to replace Temporary Local Planning Instrument No. 1 of 2020 applying to the Swanbank and New Chum areas which expires on 31 March 2022, and Temporary Local Planning Instrument No. 2 of 2020 for the Ebenezer, Willowbank and Jeebropilly areas that expires on 27 January 2022.

The proposed TLPI combines the regulation areas of both expiring TLPIs into a single regulatory document that suspends relevant parts of the existing Ipswich Planning Scheme; and provides an interim contemporary policy approach for the regulation of resource recovery and waste activities until the commencement of the new Ipswich Planning Scheme. The proposed TLPI also includes a range of policy advancements in comparison to the existing TLPIs which seek to address issues identified in practical application of the TLPI as an assessment tool, feedback from the community, industry and officers and the experience of recent planning appeals.

It is considered that there are a range of matters both within and outside of the proposed TLPI which require consideration in the preparation of the New Ipswich Planning Scheme. The continuation of a level of regulatory control in respect to the activities governed by the TLPIs is considered critical to the future of the community, and a serious consideration for the New Ipswich Planning Scheme. Council Officers and the Officers of the Queensland Government have been in discussion regarding this TLPI, and this discussion is intended to continue to address a range of policy issues associated with the new Ipswich Planning Scheme.

Of important note is the anticipated commencement date for the proposed TLPI. It is requested that an early effective date be considered for this instrument to ensure that, upon receipt of an approval for the instrument, the commencement date provide for continuous regulatory control for the issues the subject of the TLPI, particularly in light of the expiration date of TLPI No. 2 of 2020 which expires

on the 27th of January 2022. A Statement of Reasons have been prepared to support the State in consideration of this matter (attached).

If you require any further information regarding this request, please do not hesitate to contact
 Manager, City Design on Sch. 4(4)(6) - Disclosing personal information

Yours sincerely,

Teresa Harding
Mayor

Encl.

1. TLPI No. 1 of 2022: Resource Recovery and Waste Activity Regulation
2. Statement of Reasons

RTI RELEASE - DSDILG

«Application_Number»«Employee_Info_Type_1»

«Employee_Name»

«Employee_Comm_Type_1»

Damien Walker
Director General
Department of State Development,
Infrastructure, Local Government and
Planning

22 November 2022

Dear Damien

Re: Temporary Local Planning Instrument 1 of 2022 – Ipswich City Council

On 18 November 2022 Council Resolved to make a new Temporary Local Planning Instrument, being Temporary Local Planning Instrument 1 of 2022: Resource Recovery and Waste Activity Regulation (proposed TLPI). In accordance with the *Planning Act 2016*.

The proposed TLPI is intended to replace Temporary Local Planning Instrument No. 1 of 2020 applying to the Swanbank and New Chum areas which expires on 31 March 2022, and Temporary Local Planning Instrument No. 2 of 2020 for the Ebenezer, Willowbank and Jeebropilly areas that expires on 27 January 2022.

The proposed TLPI combines the regulation areas of both expiring TLPIs into a single regulatory document that suspends relevant parts of the existing Ipswich Planning Scheme; and provides an interim contemporary policy approach for the regulation of resource recovery and waste activities until the commencement of the new Ipswich Planning Scheme. The proposed TLPI also includes a range of policy advancements in comparison to the existing TLPIs which seek to address issues identified in practical application of the TLPI as an assessment tool, feedback from the community, industry and officers and the experience of recent planning appeals.

It is considered that there are a range of matters both within and outside of the proposed TLPI which require consideration in the preparation of the New Ipswich Planning Scheme. The continuation of a level of regulatory control in respect to the activities governed by the TLPIs is considered critical to the future of the community, and a serious consideration for the New Ipswich Planning Scheme. Council Officers and the Officers of the Queensland Government have been in discussion regarding this TLPI, and this discussion is intended to continue to address a range of policy issues associated with the new Ipswich Planning Scheme.

Of important note is the anticipated commencement date for the proposed TLPI. It is requested that an early effective date be considered for this instrument to ensure that, upon receipt of an approval for the instrument, the commencement date provide for continuous regulatory control for the issues the subject of the TLPI, particularly in light of the expiration date of TLPI No. 2 of 2020 which expires

on the 27th of January 2022. A Statement of Reasons have been prepared to support the State in consideration of this matter (attached).

If you require any further information regarding this request, please do not hesitate to contact

Manager, City Design on Sch. 4(4)(6) - Disclosing personal information

Yours sincerely,

Sonia Cooper
Chief Executive Officer

Encl.

1. TLPI No. 1 of 2022: Resource Recovery and Waste Activity Regulation
2. Statement of Reasons

RTI RELEASE - DSDILG

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 1:51 PM
To: [Redacted]
Subject: RE: Correspondence for TLPI

Thanks [Redacted] - this is useful all the same.

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 1:19 PM
To: [Redacted]
Subject: FW: Correspondence for TLPI

As discussed, these are likely to change a little, probably not major.



[Redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T | Sch. 4(4)(6) - Disclosing personal information



Confidential Communication | [Email Disclaimer](#)

RTI RELEASED

DSDIL GP

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 2:29 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: TLPI 1 of 2022
Attachments: Statement of Reasons.pdf; Final Draft TLPI 2022 for Council Meeting 181121.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Action

Hi [Redacted]

Council endorsed Ipswich Waste TLPI version FYI.

Regards,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]
Sent: Thursday, 18 November 2021 11:44 AM

[Redacted]

Subject: TLPI 1 of 2022

Hi all,

This morning the Council endorsed the proposed TLPI (attached). I will send a formal letter once the meeting has closed, however I enclose the endorsed version and the Statement of Reasons.

Thankyou for your help in getting to this point.

Thanks,



Manager, City Design
City Design Branch
Planning and Regulatory Services Department
IPSWICH CITY COUNCIL T

Sch. 4(4)(6) -
Disclosing personal
information

Confidential Communication | [Email Disclaimer](#)

RTI RELEASE - DSDIL GP

ATTACHMENT 2

STATEMENT OF REASONS

Planning Act 2016

Schedule 3 of the Minister's Guidelines and Rules Version 1.1 September 2020

Local government making decision

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

Public office of the local government

2. The public office of the local government is 1 Union Place, Ipswich.

Decision in respect of which the statement of reasons is prepared

3. The decision in respect of which the statement of reasons relates is the decision of the local government to propose to make a temporary local planning instrument (TLPI) to affect the operation of the local government's Planning Scheme¹ to:
 - (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate restoration of land that has been adversely impacted by the legacy impacts of former mining activities;
 - (c) ensure the protection and improvement of the natural environment;
 - (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
 - (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

Requirement for the statement of reasons

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

¹ The Planning Scheme for the Ipswich Local Government Area 2006

Background to the decision of the local government

5. The local government has identified the following matters as being relevant to the making of the decision:
- (a) Under section 23(1) of the Planning Act, for a local government may make a TLPI if the local government and Minister decide—
 - (a) *there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and*
 - (b) *the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
 - (c) *the making of the TLPI would not adversely affect State interests.*
 - (b) The growth in waste disposal currently being experienced in Ipswich has resulted in highly negative media labelling Ipswich as the 'dump capital' of Australia and raised questions as to the need and appropriateness of this waste being disposed of in Ipswich.
 - (c) The Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly regionally significant industrial areas contain several residual mining and quarry voids and existing regional waste activity facilities within proximity to sensitive receiving land uses, and it is anticipated that development applications for new or expanding waste activities within remnant mining or quarry voids may continue to be lodged with Council.
 - (d) Continued application of the current TLPIs (in conjunction with the Planning Scheme) to new and expanding waste activity uses in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas is necessary to ensure the continued protection of residential and other sensitive receiving land uses from adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity).
 - (e) Willowbank is a significant motor sports precinct. Current major events such as CMC Rocks music festival and major racing events make a significant economic contribution to Ipswich and the region.
 - (f) The process to make a permanent amendment to the planning scheme is estimated to take around 350 business days (70 weeks / 1 year and 4.5 months) to complete in accordance with the State government's *Guidance for the Minister's Guidelines and Rules* July 2017. It will be necessary to continue the current regulatory framework during the development of a new planning scheme for Ipswich City, which will include new provisions for waste activity regulation.

- (g) State interests would not be adversely affected by the proposed TLPI. Implementation of the TLPI will ensure that waste activities are appropriately located, designed and managed to protect sensitive receiving uses and the environment from adverse impacts associated with waste activity uses.

Material considered in making the decision

6. The local government considered the following material in arriving at the decision to propose the temporary local planning instrument:
- (a) planning material being:
 - (i) the local government's Planning Scheme; and
 - (ii) the matters stated in section 23 of the *Planning Act 2016*; and
 - (iii) Schedule 3 – Required Material for making or amending a TLPI under Chapter 2, Part 2 of the *Minister's Guidelines and Rules Version 1.1*, September 2020; and
 - (b) legislation being the:
 - (i) *Local Government Act 1993*; and
 - (ii) *Planning Act 2016*; and
 - (iii) *Acts Interpretation Act 1954*.
 - (c) The introduction of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation), applicable to the Swanbank / New Chum waste activity area on 6 April 2018.
 - (d) The introduction of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area (effective date 29 May 2018).
 - (e) The remaking of Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation), applicable to the Swanbank / New Chum waste activity area on 1 April 2020.
 - (f) The remaking of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area on 28 January 2020.

Reasons for making the decision

7. The local government has made the decision to avoid a significant risk of serious adverse environmental and social conditions, and for the following reasons:
- (a) continuing to implement the further regulation of new and expanding waste activity uses in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly areas identified in the TLPI mapping is necessary to ensure the appropriate protection of residential and

other sensitive receiving land uses (including major events and motorsports uses) from the negative adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity);

- (b) the lengthy timeframe associated with undertaking a permanent planning scheme amendment does not afford the same regulatory protection for the community in the period before adoption, and could result in long term implications for Council (such as adverse social and environmental impacts on the community and economic consequences);
- (c) delaying or failing to implement the proposed further regulation of waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas identified in the TLPI mapping has the potential to result in further negative outcomes and media for the City as the 'dump capital' of Australia;
- (d) to ensure consistent and equitable regulatory provisions for regionally significant industrial areas that contain residual historic mining voids and regional waste activity facilities, and are at risk of application for new or expanding waste activity uses proximate to residential and other sensitive receiving uses; and
- (e) The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy (see the below figure titled 'Waste and Resource Management Hierarchy'. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero-waste future at a local practical level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1 This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

- 1.2 In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 4.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.
- 1.3 The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.
- 1.4 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 1.5 The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

The Planning Challenge

- 1.6 Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to the operation of landfill and other waste activity uses occurring within the TLPI Boundary.
- 2.2 The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3 This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.
- 2.4 In particular, this TLPI seeks to:
- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate restoration of land that has been adversely impacted by the legacy impacts of former mining activities;
 - (c) ensure the protection and improvement of the natural environment;
 - (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
 - (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.
- 2.5 This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.
- 2.6 This TLPI does not regulate Operational Work, for which the Ipswich Planning Scheme is the regulatory instrument.
- 2.7 This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to manage new or expanded waste activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) the management of and appropriate restoration of land that has been scarred by the legacy impacts of former mining activities;
 - (c) Sensitive Receiving Uses, are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 3.2 To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iv) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.
 - (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) “Clean Earth”;
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Void”
 - (vi) “Resource Recovery Facility”
 - (vii) “Restoring a Void”; and
 - (viii) “Waste Activity”.
 - (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
 - (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
 - (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the “Resource Recovery and Waste Activity Code”.
- 3.3 Planning decisions must balance a range of competing interests and changing geo-political policy pressures to:
- (a) protect the amenity of residential and other sensitive uses within Ipswich;
 - (b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;

- (c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;
- (d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and
- (e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the *Planning Act 2016*; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

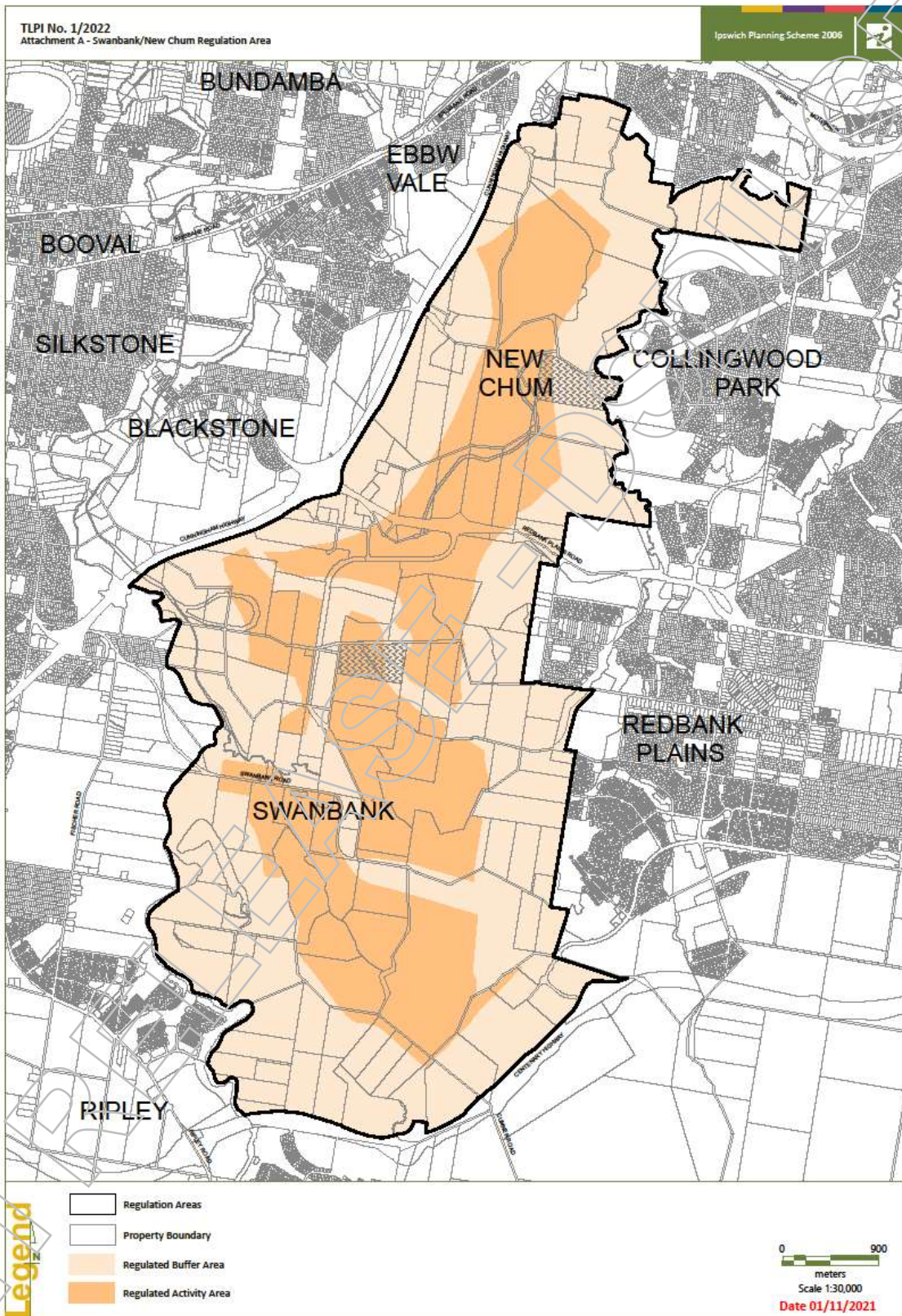
PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

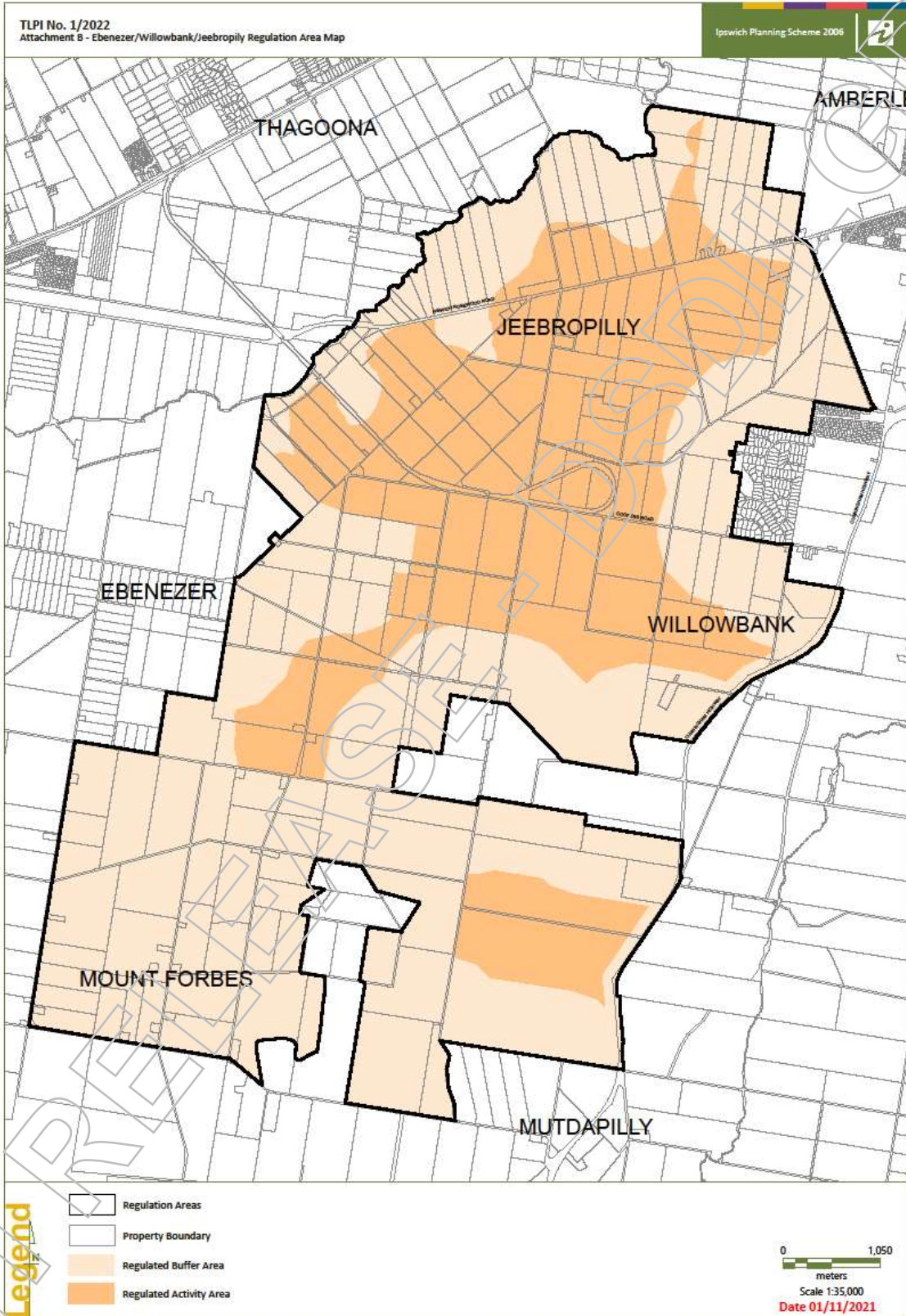
PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(b)
 - (b) **Attachment C**: the "Resource Recovery and Waste Activity Code"; and
 - (c) **Attachment D**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Attachment E.

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



ATTACHMENT C: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

- (1) Attachment C is the Resource Recovery and Waste Activity Code.

2. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with any part of section 3 or 4 constitutes undesirable development and is unlikely to be approved.

3. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void;
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) Waste Activities do not limit the establishment of productive current and future uses on any premises;
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are enhanced;
 - (iv) economic opportunities are maximised for the long-term;
 - (c) land that has been scarred by former activities is appropriately restored and made available for future uses.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Regulated Buffer Area and is carried out so that Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Particular Waste Activities in the Regulated Buffer Area do not occur;
 - (c) Waste Activities are only established in the Regulated Activity Area where:
 - (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental

- authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and
 - b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d) extension or expansion of a lawfully existing waste facility or premises:
 - (i) results in:
 - a. reduction in the extent and intensity of adverse off-site impacts;
 - b. improvements to the management of adverse off-site impacts by implementing best practice;
 - c. improved environmental performance;
 - d. any non-compliance with existing development approvals being addressed;
- (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:
 - (i) have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (f) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
- (g) Waste Activities maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.
- (h) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary

4. Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.1

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> (a) does not have any adverse impact on Sensitive Receiving Uses; or 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities other than a Resource Recovery Facility does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of a premises for a Waste Activity involving “Landfill” or “Compost Manufacturing Unenclosed” in the Regulated Activity Area is avoided.	No probable solution provided
(6) The use of premises for Restoring a Void or for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive future uses of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises; (f) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises;	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and (h) implements and maintains best practice minimisation and management of adverse impacts at all times. 	
<p>(7) Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> (a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and (e) ensure that fill materials are compacted to the maximum extent possible. 	No probable solution provided
<p>(8) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%. <p>Note: where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses) the final cap design may need to</p>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
incorporate additional levels of protection to prevent water intrusions and to protect the landfill.	
<p>(9) Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> (a) establishes and maintains native vegetation buffers which permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; (c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (d) does not result in any increase in contaminant loads in the receiving environment on or off the premises; (e) where possible, improves the quality of nearby surface and ground water; (f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste, leachate, surface water and ground water; (i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (m) where possible, avoids complex and technical management systems. 	
<p>(10) Waste Activities or Restoring a Void are designed, operated and maintained to protect surrounding and nearby Sensitive Receiving Uses so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses from the emissions considered in Specific Outcome 10 (a) and 10 (b), above. 	
<p>(11) Changed or expanded Waste Activities or Restoring a Void:</p> <ul style="list-style-type: none"> (a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; (b) avoid all detrimental amenity, environmental or community impacts; and (c) do not result in filling beyond the Top of a Void, except as provided for in Specific Outcome 8, above. 	No probable solution provided
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <ul style="list-style-type: none"> (a) the diversion of the waste stream entering the site to: <ul style="list-style-type: none"> (i) increase the re-use, recycling and recovery of waste resources; and (ii) a reduction in demand for Landfill. 	No probable solution provided

ATTACHMENT D: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT E: DEFINITIONS

8.1 “Clean Earth” means—

- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

8.2 “Compost Manufacturing Enclosed” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

8.3 “Compost Manufacturing Unenclosed” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 & 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994* –

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
(b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
(c) organic waste.

organic waste—

- (a) includes the following—
(i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
(ii) animal manure;
(iii) biosolids;

- (iv) *cardboard and paper waste;*
 - (v) *fish processing waste;*
 - (vi) *food and food processing waste;*
 - (vii) *grease trap waste;*
 - (viii) *green waste;*
 - (ix) *poultry processing waste;*
 - (x) *waste generated from an abattoir; but*
- (b) *does not include—*
- (i) *biosecurity waste; or (ii) clinical or related waste; or*
 - (iii) *contaminated soil; or*
 - (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 & 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

- 8.4 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).
- 8.5 **“Landfill”** means–
- (a) the use of land for the disposal of any waste other than Clean Earth; and
 - (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the Environmental Protection Act 1994 is adopted.

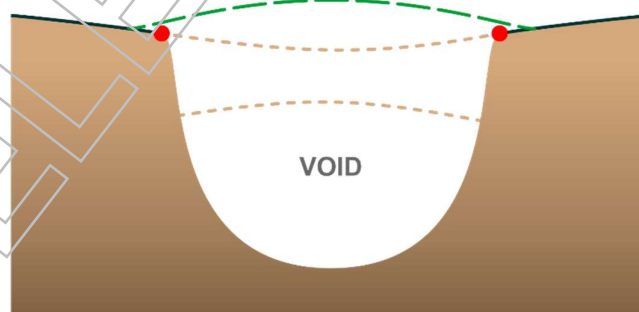
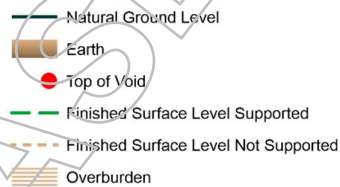
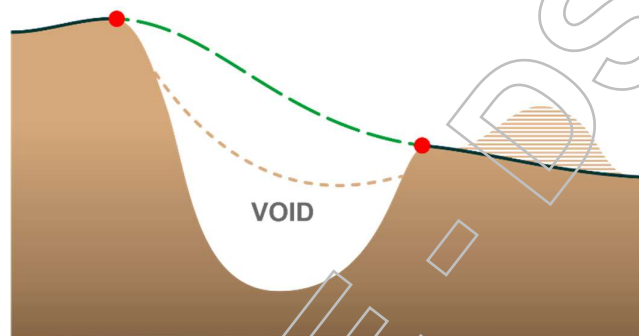
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means–
- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.9 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.10 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.11 **“Top of a Void”** means—

(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.12 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.13 **“Void”** means—

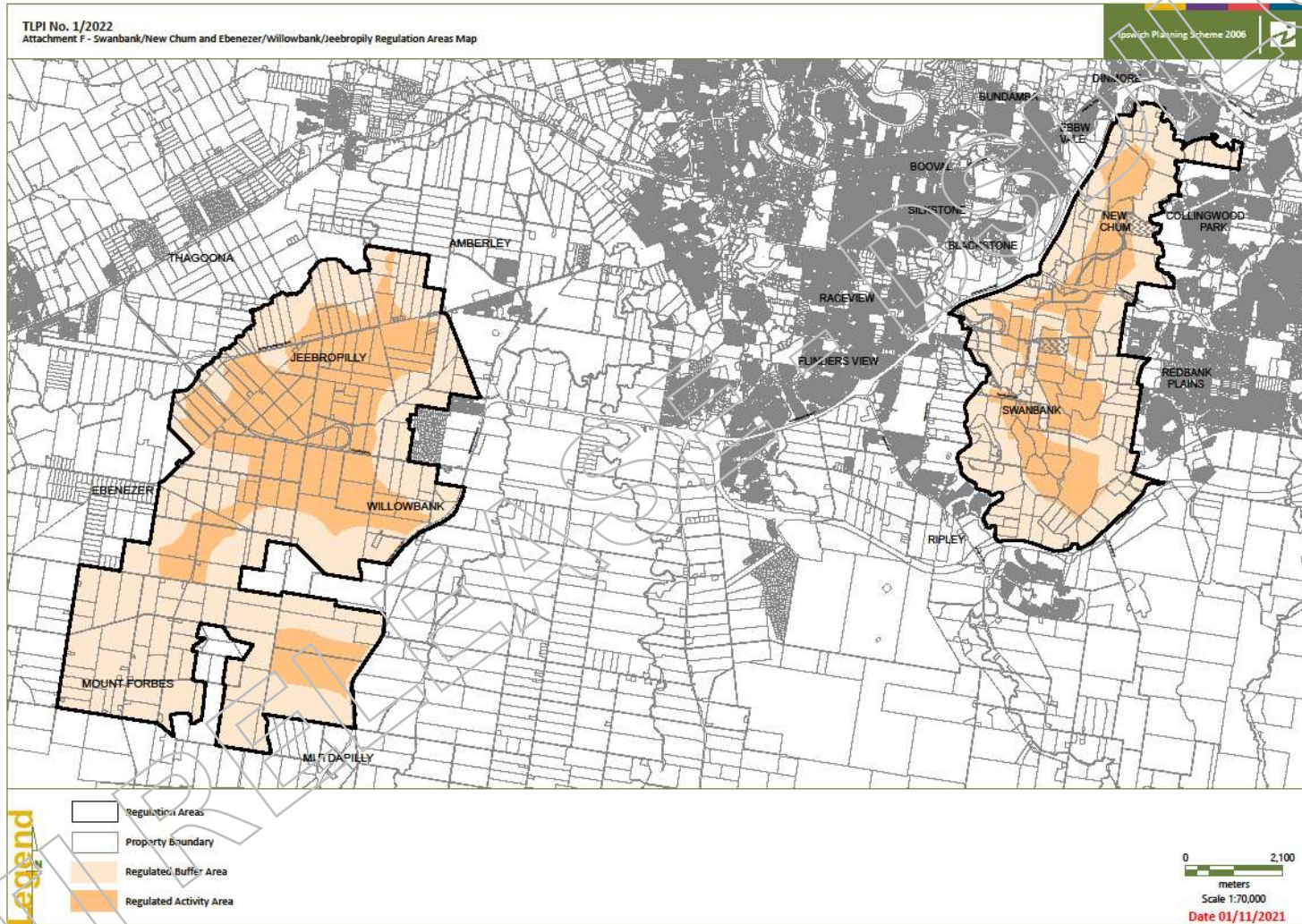
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.14 **“Waste Activity”** means—

- (a) the use of premises for:
 - i. "Compost Manufacturing Enclosed";
 - ii. "Compost Manufacturing Unenclosed";
 - iii. "Landfill";
 - iv. "Resource Recovery Facility"; and

- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

ATTACHMENT F: TLPI BOUNDARY



[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 2:30 PM
To: [Redacted]
Subject: FW: TLPI 1 of 2022
Attachments: Final Draft TLPI 2022 for Council Meeting 181121.pdf

Hi [Redacted]

Here is the endorsed version of the ICC draft TLPI.

Thanks,

[Redacted]

From: [Redacted]

Sent: Thursday, 25 November 2021 2:29 PM

[Redacted]

Subject: FW: TLPI 1 of 2022

Hi [Redacted]

Council endorsed Ipswich Waste TLPI version FYI.

Regards,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing
personal
information

From: [Redacted]

Sent: Thursday, 18 November 2021 11:44 AM

[Redacted]

Subject: TLPI 1 of 2022

Hi all,

This morning the Council endorsed the proposed TLPI (attached). I will send a formal letter once the meeting has closed, however I enclose the endorsed version and the Statement of Reasons.

Thankyou for your help in getting to this point.

Thanks,

[Redacted]



[Redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T [Redacted]
Sch. 4(4)(6) -
Disclosing personal
information

Confidential Communication | [Email Disclaimer](#)

RTI RELEASE - DSDILGP

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1 This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

- 1.2 In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 4.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.
- 1.3 The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.
- 1.4 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 1.5 The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

The Planning Challenge

- 1.6 Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1 This TLPI provides an interim policy response in respect to the operation of landfill and other waste activity uses occurring within the TLPI Boundary.
- 2.2 The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3 This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.
- 2.4 In particular, this TLPI seeks to:
- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate restoration of land that has been adversely impacted by the legacy impacts of former mining activities;
 - (c) ensure the protection and improvement of the natural environment;
 - (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
 - (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.
- 2.5 This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.
- 2.6 This TLPI does not regulate Operational Work, for which the Ipswich Planning Scheme is the regulatory instrument.
- 2.7 This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

- 3.1 The purpose of the TLPI is to manage new or expanded waste activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) the management of and appropriate restoration of land that has been scarred by the legacy impacts of former mining activities;
 - (c) Sensitive Receiving Uses, are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 3.2 To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iv) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.
 - (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) “Clean Earth”;
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Void”
 - (vi) “Resource Recovery Facility”
 - (vii) “Restoring a Void”; and
 - (viii) “Waste Activity”.
 - (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
 - (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
 - (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the “Resource Recovery and Waste Activity Code”.
- 3.3 Planning decisions must balance a range of competing interests and changing geo-political policy pressures to:
- (a) protect the amenity of residential and other sensitive uses within Ipswich;
 - (b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;

- (c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;
- (d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and
- (e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the *Planning Act 2016*; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

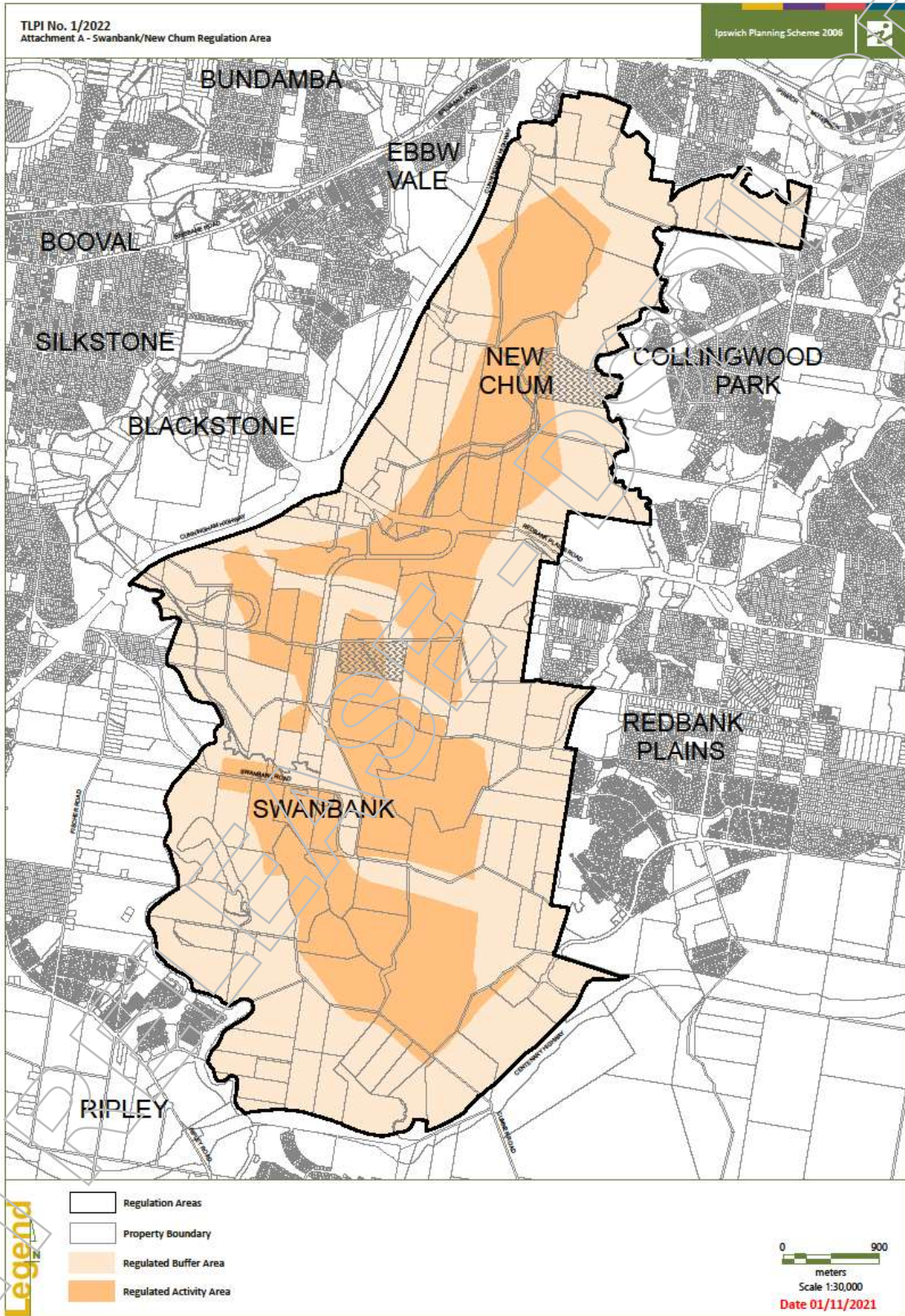
PART 6 – APPLICATION OF THE TLPI

- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

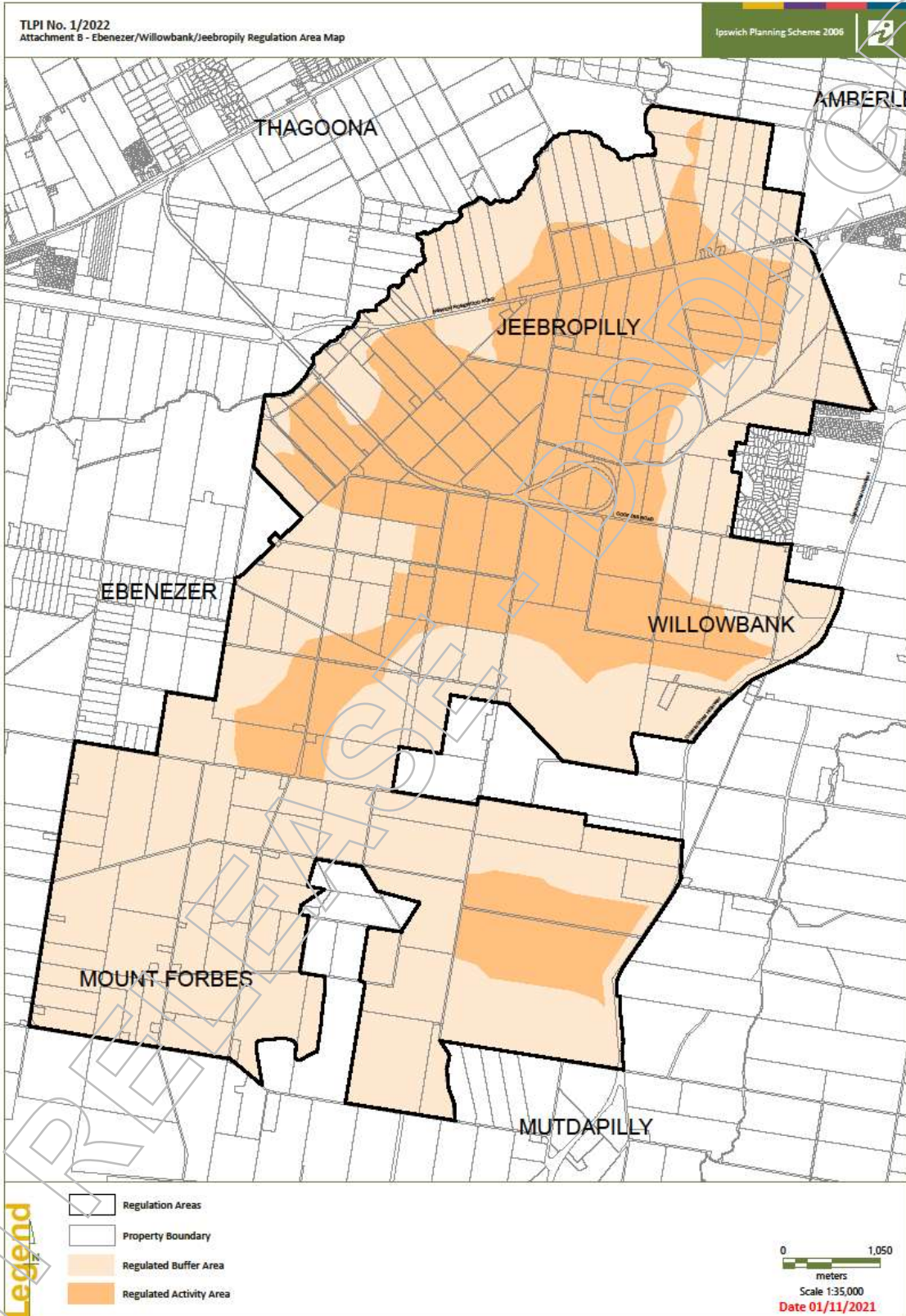
PART 7 – EFFECT OF THE TLPI

- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.
- 7.2 The assessment benchmarks under this TLPI are:
 - (a) the Strategic Outcomes set out in Part 3.2(b)
 - (b) **Attachment C**: the "Resource Recovery and Waste Activity Code"; and
 - (c) **Attachment D**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Attachment E.

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



ATTACHMENT C: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

- (1) Attachment C is the Resource Recovery and Waste Activity Code.

2. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with any part of section 3 or 4 constitutes undesirable development and is unlikely to be approved.

3. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void;
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) Waste Activities do not limit the establishment of productive current and future uses on any premises;
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are enhanced;
 - (iv) economic opportunities are maximised for the long-term;
 - (c) land that has been scarred by former activities is appropriately restored and made available for future uses.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Regulated Buffer Area and is carried out so that Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Particular Waste Activities in the Regulated Buffer Area do not occur;
 - (c) Waste Activities are only established in the Regulated Activity Area where:
 - (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental

- authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and
 - b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d) extension or expansion of a lawfully existing waste facility or premises:
 - (i) results in:
 - a. reduction in the extent and intensity of adverse off-site impacts;
 - b. improvements to the management of adverse off-site impacts by implementing best practice;
 - c. improved environmental performance;
 - d. any non-compliance with existing development approvals being addressed;
- (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:
 - (i) have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (f) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
- (g) Waste Activities maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.
- (h) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary

4. Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.1

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> (a) does not have any adverse impact on Sensitive Receiving Uses; or 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities other than a Resource Recovery Facility does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of a premises for a Waste Activity involving “Landfill” or “Compost Manufacturing Unenclosed” in the Regulated Activity Area is avoided.	No probable solution provided
(6) The use of premises for Restoring a Void or for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive future uses of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises; (f) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises;	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and (h) implements and maintains best practice minimisation and management of adverse impacts at all times. 	
<p>(7) Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> (a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and (e) ensure that fill materials are compacted to the maximum extent possible. 	No probable solution provided
<p>(8) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%. <p>Note: where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses) the final cap design may need to</p>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
incorporate additional levels of protection to prevent water intrusions and to protect the landfill.	
<p>(9) Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> (a) establishes and maintains native vegetation buffers which permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; (c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (d) does not result in any increase in contaminant loads in the receiving environment on or off the premises; (e) where possible, improves the quality of nearby surface and ground water; (f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste, leachate, surface water and ground water; (i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (m) where possible, avoids complex and technical management systems. 	
<p>(10) Waste Activities or Restoring a Void are designed, operated and maintained to protect surrounding and nearby Sensitive Receiving Uses so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses from the emissions considered in Specific Outcome 10 (a) and 10 (b), above.</p>	
<p>(11) Changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved;</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of a Void, except as provided for in Specific Outcome 8, above.</p>	No probable solution provided
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	No probable solution provided

ATTACHMENT D: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT E: DEFINITIONS

8.1 **“Clean Earth”** means—

- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

8.2 **“Compost Manufacturing Enclosed”** means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
- (c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

8.3 **“Compost Manufacturing Unenclosed”** means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
- (c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 & 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994* –

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
- (b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- (c) organic waste.

organic waste—

- (a) includes the following—
 - (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - (ii) animal manure;
 - (iii) biosolids;

- (iv) cardboard and paper waste;
 - (v) fish processing waste;
 - (vi) food and food processing waste;
 - (vii) grease trap waste;
 - (viii) green waste;
 - (ix) poultry processing waste;
 - (x) waste generated from an abattoir; but
- (b) does not include—
- (i) biosecurity waste; or (ii) clinical or related waste; or
 - (iii) contaminated soil; or
 - (iii) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 & 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

- 8.4 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).
- 8.5 **“Landfill”** means—
- (a) the use of land for the disposal of any waste other than Clean Earth; and
 - (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the Environmental Protection Act 1994 is adopted.

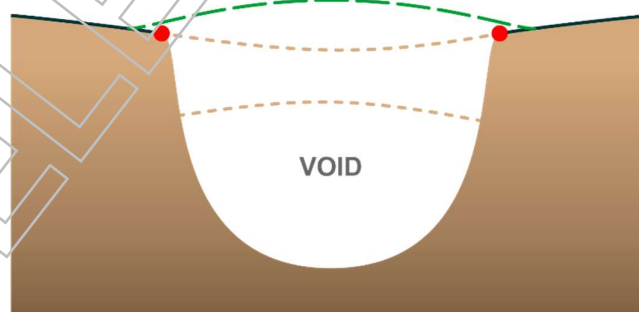
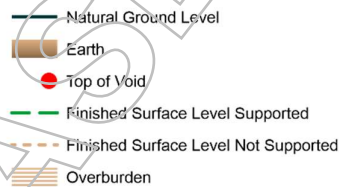
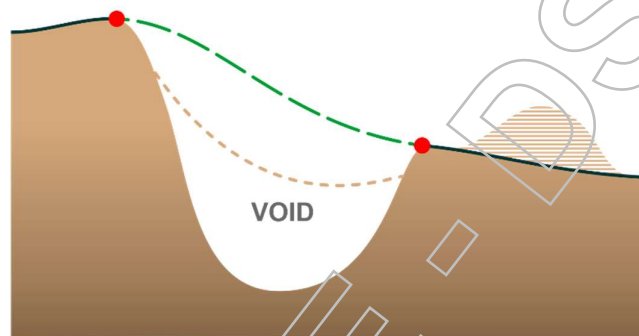
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means—
- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.9 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.10 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.11 **“Top of a Void”** means—

(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.12 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.13 **“Void”** means—

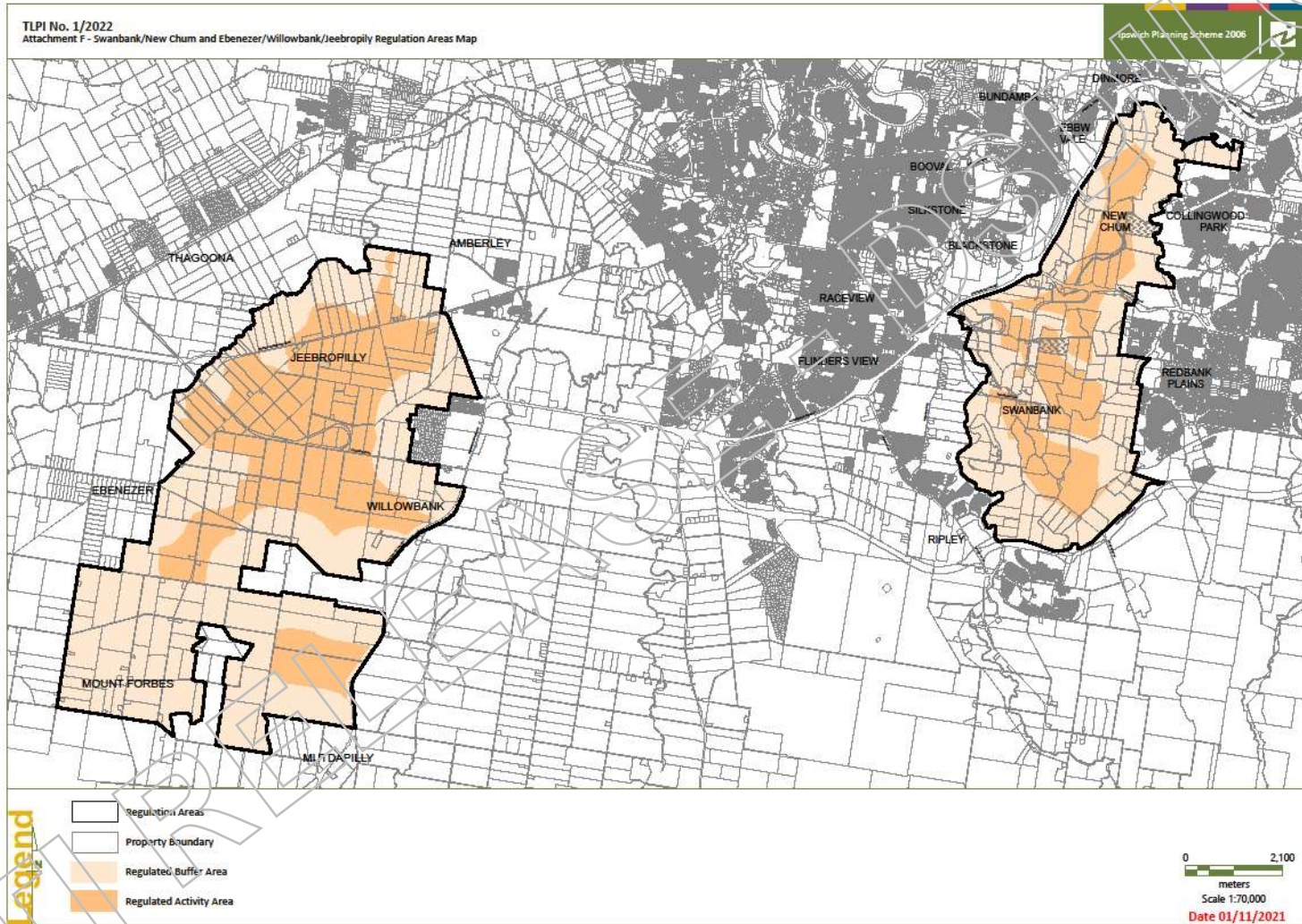
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.14 **“Waste Activity”** means—

- (a) the use of premises for:
 - i. "Compost Manufacturing Enclosed";
 - ii. "Compost Manufacturing Unenclosed";
 - iii. "Landfill";
 - iv. "Resource Recovery Facility"; and
- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT F: TLPI BOUNDARY



From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Friday: Ipswich TLPI peer review
Date: Thursday, 25 November 2021 3:43:29 PM
Attachments: [image001.png](#)
[image008.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image010.png](#)

Awesome, thank so much for getting back to me [redacted] – you are both superstars.

[redacted] if it's okay we will utilise your resources this time around, as there may be some further discussion required post- your initial comments.

I'll give you a quick bell this afternoon.

Regards,
[redacted]

[redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) - Disclosing
personal information

[redacted]

Sent: Thursday, 25 November 2021 9:51 AM

[redacted]

Subject: RE: Friday: Ipswich TLPI peer review

Hi [redacted]

I only have a half day Friday (leaving 12.30pm) but am happy to review it in the morning!

Regards,

[redacted]

Principal Planner
SEQ North, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) -
Disclosing personal
information
171 First Avenue, Maroochydore QLD
PO Box 1129, Maroochydore QLD 4558
statedevelopment.qld.gov.au

Fro [redacted]

Sent: Thursday, 25 November 2021 9:47 AM

Subject: Friday: Ipswich TLPI peer review

Hi [redacted]

Quick check in to see if either of you will have capacity to peer review a revised draft Ipswich TLPI?

[redacted] know you had prior involvement so it would be great if we could acquire your eyes again! But if you're not available then perhaps [redacted] can assist?

Thanks,

[redacted]

[redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) - Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

[Redacted]

From: [Redacted]
Sent: Thursday, 25 November 2021 3:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Timeline of Ipswich TLIP instruments
Attachments: Draft 2 - Timeline of Ipswich TLPI instruments_.docx

Hi [Redacted]

Could you please review attached figure, particularly the summary boxes describing what has changed through each iteration?

Once you have completed your review please send to [Redacted] or inclusion in the PAR.

[Redacted] once again, great job with the timeline 😊)

Regards,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]
Sent: Thursday, 25 November 2021 3:13 PM
To: [Redacted]
Subject: Timeline of Ipswich TLIP instruments

Hi [Redacted]

These are a little different to the sketch however hopefully either is suitable – if not, happy to make amendments 😊

Thanks,

[Redacted]



Queensland
Government

[Redacted]

Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -

Disclosing

personal

information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

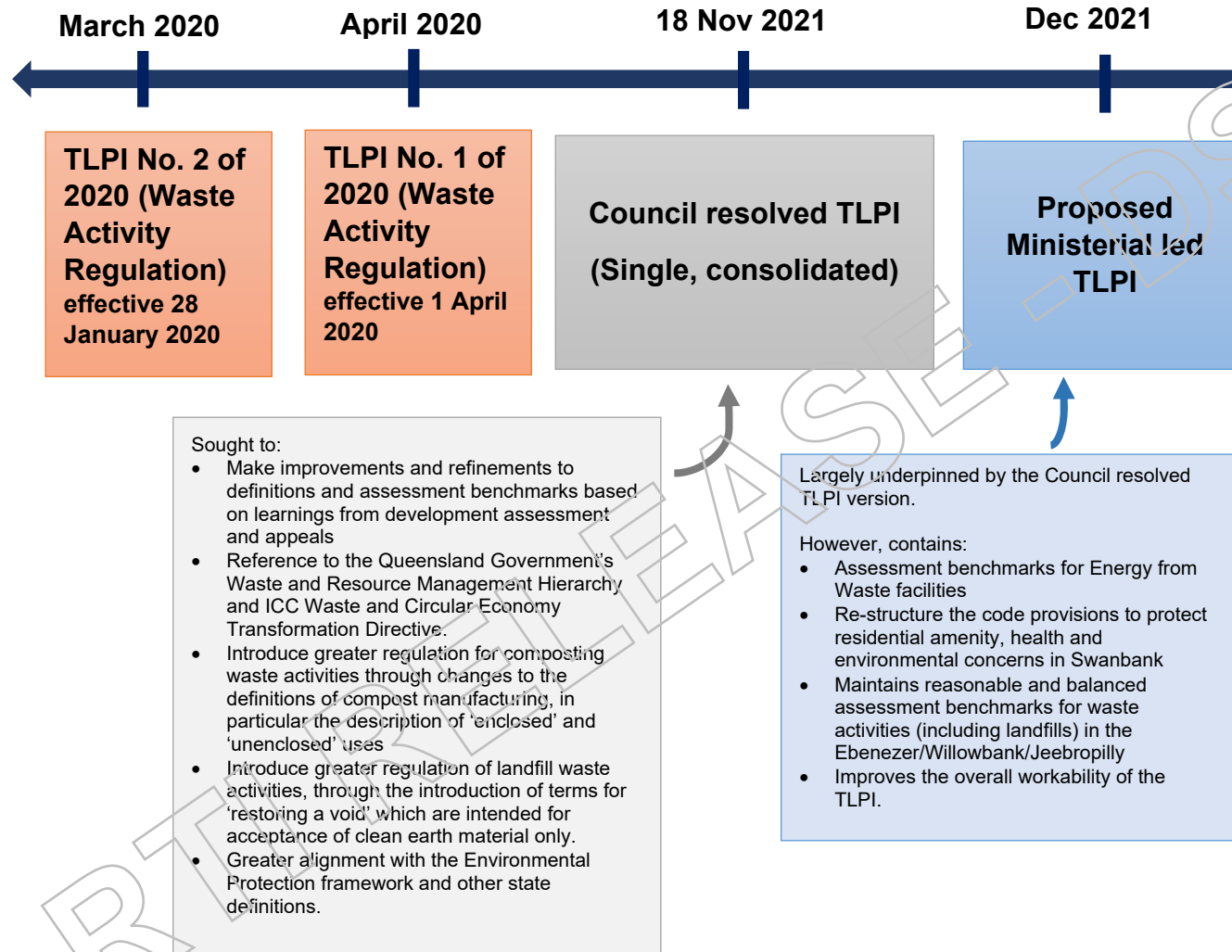


*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

Timeline of Ipswich TLPI Instruments



[Redacted]
From: [Redacted]
Sent: Thursday, 25 November 2021 4:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: Ipswich TLPI - draft instrument overview

Hi [Redacted] is expecting this by COB. Just need someone to review the summary of changes (existing TLPI to council resolved TLPI) to ensure I've captured the high level changes OK. Definitions need to be added too but these are listed in full in the comparison table.

Hi [Redacted]

Draft Ipswich TLPI and comparison table **attached**. Legal are scheduled for review on Monday 29 November 2021.

Insert summary of changes from Existing TLPI to Council resolved TLPI:

- consolidates the repealed TLPIs into a single version, maintains application over the same geographic area.
- Refinements to definitions and assessment benchmarks as a result of learnings from application of the TLPI in development assessment and through appeals hearings.
- Increases regulation of waste activities (landfill and compost manufacturing) and sends strong signal that these are not desirable or supported uses.

- **Definition changes**

- [LIST HERE]

The proposed Ministerial TLPI has been underpinned by the council resolved TLPI, and seeks to uphold the integrity of their policy intent. However, key improvements that have been introduced into the proposed Ministerial TLPI include the following:

- Introduces new assessment benchmarks to assess Energy from Waste proposals
- re-structures the code provisions to protect residential amenity, health and environmental concerns in Swanbank
- maintains a reasonable and balanced approach to assessment of certain types of waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly
- a range of incidental minor changes to fix errors, remove contradictions, reduce duplication, align with other legislation, improve readability and overall workability of the TLPI.

The comparison table breaks down the changes into three categories:

- summary of change (between existing TLPIs, council resolved TLPI and proposed Ministerial TLPI)
- Type of changes – both new and amended, as follows:
 - a matter of policy intent or code drafting
 - amended wording (mainly for readability, fixes errors etc.)
 - structural change (different numbering, section inclusion etc.)
- Assessment of the change and rationale for the change.

A full briefing package will be with you late tomorrow.



Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE SE - SDIL GP

From:
To:
Cc:
Subject: Ipswich TLPI - summary of changes
Date: Thursday, 25 November 2021 5:50:00 PM
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)
[image004.png](#)

Hi

Please see the dot point summary of TLPI changes below.

We are currently preparing a comparison table which breaks down the changes into three categories:

- summary of changes (between the existing TLPIs, council's resolved TLPI and the proposed Ministerial TLPI)
- type of change (between the existing TLPIs and the proposed Ministerial TLPI), which are categorised as:
 - a matter of policy intent or code drafting
 - amended wording (for workability/readability or editorial fixes etc.)
 - structural change (different section numbers etc.)
- rationale for the change.

A full briefing package will be with you late tomorrow, which will include the comparison table.

Legal review of the TLPI is scheduled for on Monday 29 November 2021.

Thanks

Summary of changes

- The council's resolved TLPI seeks to amend the existing TLPIs as follows:
 - consolidates the existing TLPIs into a single TLPI, maintaining regulation of waste activities over the same geographic area
 - refines definitions and assessment benchmarks based on learnings from the application of the TLPIs in development assessment and through Planning and Environment Court proceedings
 - increases regulation of waste activities for landfill and compost manufacturing, sending a strong signal that these uses are not desirable or supported uses
 - amendment of various and insertion of new definitions, including:
 - Clean earth
 - Compost manufacturing enclosed and unenclosed
 - Landfill
 - Restoring a void (formerly rehabilitating a mining void)
 - Anaerobic digestion
 - Composting
 - Organic material
 - Organic waste
 - Enclosed system
 - Feedstock
 - Finished product
 - Regulated Activity Area and Regulated Buffer Area
 - Resource Recovery Facility

- Top of Void
 - Sensitive Receiving Use
 - TLPI boundary
 - Void
- The proposed Ministerial TLPI has been underpinned by the council's resolved TLPI and seeks to uphold the integrity of the its policy intent. Key amendments have been introduced into proposed Ministerial TLPI and include the following:
 - introduction of new assessment benchmarks to allow for assessment of Energy to Waste proposals
 - re-structuring of the code provisions to address the protection of residential amenity, health and environmental concerns in the area of Swanbank
 - maintains a reasonable and balanced approach to assessment of certain types of waste activities (including landfill) in the areas of Ebenezer, Willowbank and Jeebropilly
 - incidental and minor amendments to fix errors, remove contradictions, reduce duplication, align with other legislation, improve readability and overall workability of the TLPI.

[Redacted]

A/Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]
To: [redacted]
Cc:
Subject: Re: Ipswich TLPI - summary of changes
Date: Thursday, 25 November 2021 6:10:21 PM
Attachments: [image002.png](#)
[image004.png](#)

Thanks [redacted] 'll use this as a key update on our progress.

[redacted]

Get [Outlook for iOS](#)

From: [redacted]
Sent: Thursday, November 25, 2021 5:58:06 PM

[redacted]
Subject: Ipswich TLPI - summary of changes

Hi [redacted]

Please see the dot point summary of TLPI changes below.

We are currently preparing a comparison table which breaks down the changes into three categories:

- summary of changes (between the existing TLPIs, council's resolved TLPI and the proposed Ministerial TLPI)
- type of change (between the existing TLPIs and the proposed Ministerial TLPI), which are categorised as:
 - a matter of policy intent or code drafting
 - amended wording (for workability/readability or editorial fixes etc.)
 - structural change (different section numbers etc.)
- rationale for the change.

A full briefing package will be with you late tomorrow, which will include the comparison table.

Legal review of the TLPI is scheduled for on Monday 29 November 2021.

Thanks

[redacted]

Summary of changes

- The council's resolved TLPI seeks to amend the existing TLPIs as follows:
 - consolidates the existing TLPIs into a single TLPI, maintaining regulation of waste activities over the same geographic area
 - refines definitions and assessment benchmarks based on learnings from the application of the TLPIs in development assessment and through Planning and Environment Court proceedings
 - increases regulation of waste activities for landfill and compost manufacturing, sending a strong signal that these uses are not desirable or supported uses
 - amendment of various and insertion of new definitions, including:

- Clean earth
 - Compost manufacturing enclosed and unenclosed
 - Landfill
 - Restoring a void (formerly rehabilitating a mining void)
 - Anaerobic digestion
 - Composting
 - Organic material
 - Organic waste
 - Enclosed system
 - Feedstock
 - Finished product
 - Regulated Activity Area and Regulated Buffer Area
 - Resource Recovery Facility
 - Top of Void
 - Sensitive Receiving Use
 - TLPI boundary
 - Void
- The proposed Ministerial TLPI has been underpinned by the council's resolved TLPI and seeks to uphold the integrity of the its policy intent. Key amendments have been introduced into proposed Ministerial TLPI and include the following:
 - introduction of new assessment benchmarks to allow for assessment of Energy to Waste proposals
 - re-structuring of the code provisions to address the protection of residential amenity, health and environmental concerns in the area of Swanbank
 - maintains a reasonable and balanced approach to assessment of certain types of waste activities (including landfill) in the areas of Ebenezer, Willowbank and Jeebropilly
 - incidental and minor amendments to fix errors, remove contradictions, reduce duplication, align with other legislation, improve readability and overall workability of the TLPI.



[Redacted]

A/Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

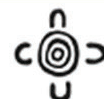
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

Follow us



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]
From: [Redacted]
Sent: Friday, 26 November 2021 9:44 AM
To: [Redacted]
Cc: [Redacted]
Subject: Ipswich TLPI draft
Attachments: Redraft TLPI copy for review.docx

Hi [Redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~1.2. In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

~~1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing

Commented [UM1]: Minister comments not appropriate
-level of impartiality

policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

4.5.1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [KH2]: New section included to address energy from waste challenge

The Planning Challenge

4.6.1.5. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary.
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.
- 2.4. In particular, this TLPI seeks to:
 - (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity land uses;
 - (c) ensure the protection and improvement of the natural environment;

Commented [KH3]: Section deleted because it repeats provisions already included in Part 3 Purpose

- ~~(d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and~~
- ~~(e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.~~

~~2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~2.7. This TLPI does not regulate composting that is domestic / home composting end products for self use (see AS 4454-2012) on a domestic scale.~~

Commented [KH4]: Sections 2.5–2.7 moved to Part 6 Effect of the TLPI because they are more relevant to what effect the TLPI has in implementation

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) ~~facilitate and manage the management of and appropriate~~ restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;
 - (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
 - ~~(d)~~ the immediate and long-term protection and improvement of the natural environment.

Commented [KH5]: Wording adjusted to clarify the TLPI's purpose and how it will apply

- 3.2. To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - ~~(iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.~~
 - (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.
 - (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;

- (ii) Compost Manufacturing Enclosed;
 - ~~(iii)~~ Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

~~3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [KH6]: Section deleted because the TLPI should only contain the assessment provisions, not the assessment considerations a decision maker takes into account. Also repeats the purpose of Planning Act

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

Commented [KH7]: Moved to Part 6 Effect of the TLPI

6.1 The TLPI applies to land within the TLPI Boundary on the maps in [Figures 1 – 3, Attachment A and B](#).

PART 7.6 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

6.2. [The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in Figures 1 – 3.](#)

6.2.6.3. The assessment benchmarks under this TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(b)
- (b) **Attachment CA**: the "Resource Recovery and Waste Activity Code"; and
- (c) **Attachment BD**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- (e)(d) [The Planning Scheme \(unless stated otherwise\)](#)

6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.

6.5. This TLPI includes definitions as set out below in Attachment [EC](#).

6.6. [This TLPI does not regulate activities authorised under Mining Leases \(and associated Environmental Authorities\) under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.](#)

6.7. [This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.](#)

6.8. [This TLPI does not regulate composting that is domestic / home composting end products for self-use \(see AS 4454-2012\) on a domestic scale.](#)

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [KH8]: Mapping moved to the end of the TLPI

RTI RELEASE - DSDILGP

**ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA
OVERLAY MAP**

TLPI No. 1 / 2022

Page 10 of

RTI RELEASE - DSDIL GP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [KH9]: Deleted as unnecessary to repeat the code title

2.1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with ~~any part of~~ section 3 ~~or 4~~ constitutes undesirable development and is unlikely to be approved.

3.2. Purpose and Overall Outcomes ~~for~~ of the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities ~~Restoring a Void for the Swanbank/New Chum Regulation Area;~~
 - (ii) adequately protected from adverse impacts resulting from or associated with ~~Restoring a Void~~Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
 - ~~(#)(iii)~~ (iii) adequately protected from adverse impacts resulting from or associated with ~~Restoring a Void within the TLPI Boundary.~~
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) ~~Waste Activities do not limit the establishment of productive current and future uses on any premises;~~
 - ~~(#)(i)~~ (i) environmental values are protected;
 - ~~(#)(ii)~~ (ii) identified green and open space areas are ~~enhanced~~ protected; economic opportunities are maximised for the long term;
 - (iii) ~~do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and~~
 - (iv) ~~do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and~~
 - (v) ~~are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and~~
 - (vi) ~~achieve appropriate rehabilitation outcomes for land affected by former mining activities.~~
 - (c) Energy from Waste Facilities are:
 - (i) ~~separated from existing or planned areas for Sensitive Receiving Uses;~~
 - (ii) ~~of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.~~
 - (e) ~~land that has been scarred by former mining activities is appropriately restored and made available for future uses.~~

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area and is carried out so that

Commented [KH10]: Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas

- Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
- (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
- (e) Energy from Waste Facilities within the TLPI Boundary:
- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) is of a size, scale and intensity consistent with the intended or planned development for the area.
- ~~(b) Particular Waste Activities in the Regulated Buffer Area do not occur;~~
- ~~(c) Waste Activities are only established in the Regulated Activity Area where:~~
- ~~(i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
 - ~~(ii) adverse environmental impacts on and beyond the premises are avoided;~~
 - ~~(iii) any increase in environmental risk on and beyond the premises is avoided; and~~
 - ~~(iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - ~~a. Sensitive Receiving Uses are avoided; and~~
 - ~~b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- ~~(d)(f) extension or expansion of a lawfully existing waste facility or premises results in:~~
- ~~(i) reduction in the reasonable management of the extent and intensity of adverse off-site impacts by improving operations;~~

- (ii) improvements to the management of adverse off-site impacts ~~by implementing best practice;~~
- (iii) improved environmental performance;
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- ~~(f)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLP Boundary.~~

Commented [KH11]: Outcome deleted because it is subjective and unclear how this outcome would be applied

Commented [KH12]: Outcome amended to promote co-location of resource recovery with landfills to increase re-use and recycling. Landfills are becoming a last resort option under wider waste policy.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Commented [KH13]: New section included to detail the application of the specific outcomes to different development types to align with current state drafting approach

Table 3.1: Application of Specific Outcomes

Column 1 Relevant provision of the code	Column 2 Development
Swanbank/New Chum Regulation Area	
SO1 – SO4	All development
Ebenezer/Willowbank Regulation Area	
SO5 – SO7	All development
Waste Activities	
SO8 – SO10	All Waste Activities
Filling and excavation	
SO11 – SO12	All development
Landscaping and visual amenity	
SO13	All development
Stormwater and groundwater management	
SO14 – SO15	All development

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
<u>Swanbank/New Chum Regulation Area</u>	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [KH14]: Specific outcomes separated to reflect different policy approach for Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly. Separating provides clarity in applying the provisions

Commented [KH15]: Headers added to table to ensure relevant assessment benchmarks can be readily identified

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [KH16]: Specific outcome deleted because the code purpose and overall outcomes address this, so unnecessary to repeat within the table

Commented [KH17]: Specific outcome deleted because the code purpose and overall outcomes addresses this, so unnecessary to repeat within the table

Commented [KH18]: SO amended to delete those parts that introduce subjectivity in the outcome

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 10km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [KH19]: New outcomes included for Ebenezer that continue the current TLPI outcomes

Commented [KH20]: New outcomes included to require co-location of resource recovery with all landfill proposals. Outcomes also included for energy to waste

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p><u>Managing environmental impacts Landscaping and visual amenity</u></p>	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [KH21]: Minor amendment to outcome to include the note as part of the outcome to ensure it is an assessment matter instead of a guidance note

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</p> <p>(m)(c) where possible, avoids complex and technical management systems.</p>	
Stormwater and groundwater management	
<p>(13) Waste Activities or Restoring a Mining Void are designed, operated and maintained to:</p> <p>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Commented [KH22]: Wording reflects current TLPI code

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [UM23]: Needs to be self-contained.

Commented [KH24R23]: Amended to align with wording in Narangba TLPI and avoid repeating what is required under (a) and (b)

Commented [UM25]: Check purpose statement addresses this, if so - delete

Commented [UM26]: Move to Purpose – but waste activity i.e. landfill desirable if including a resource recovery ancillary use.

Commented [KH27R26]: New SO added above

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM28]: Update for Swanbank

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

Commented [KH29]: Definition applied from Queensland Energy from Waste Policy (DES June 2020)

8.48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8.58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

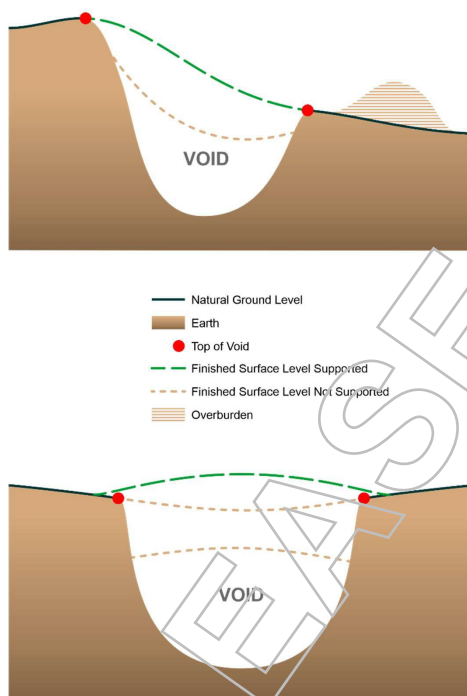
8.88.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) [Energy from Waste facility](#)

Formatted: Character scale: 100%

(iii)(iv) "Landfill";
(iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Formatted: Character scale: 100%

RTI RELEASE - DSD/KGP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

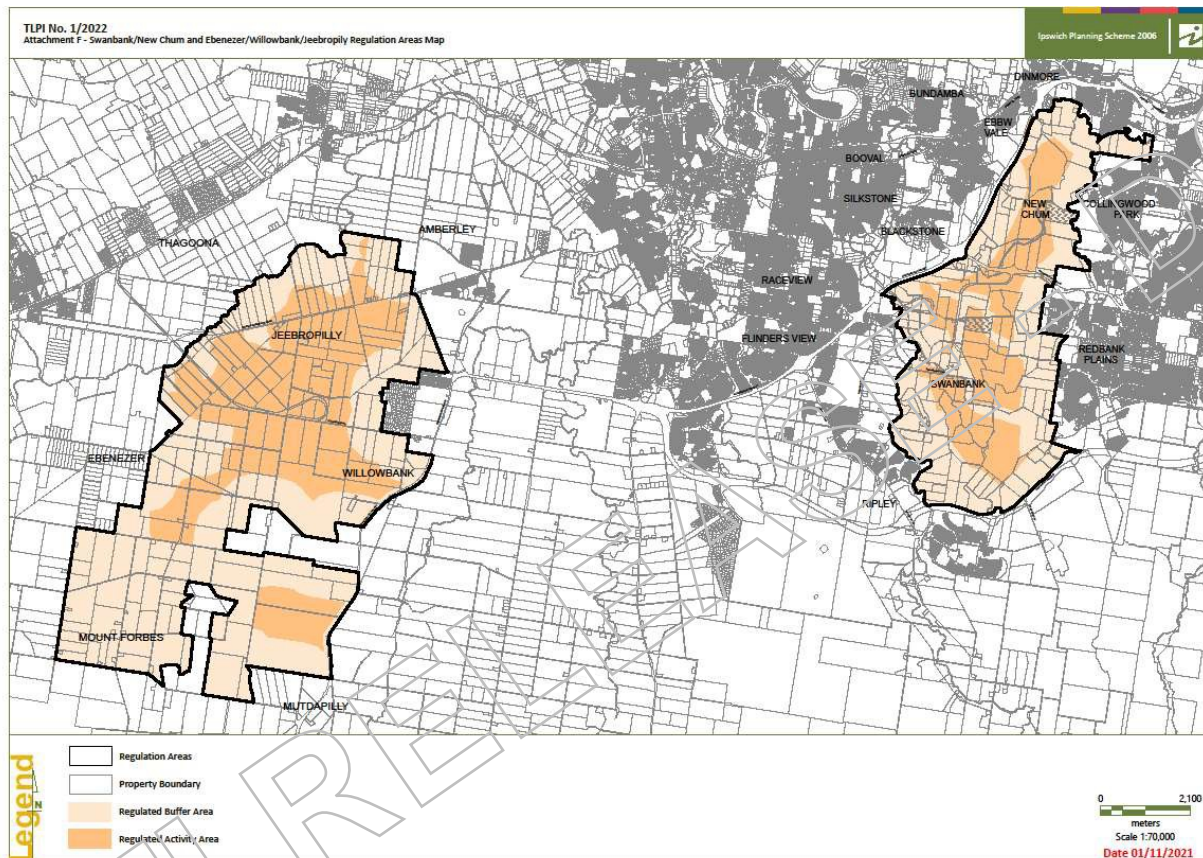


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [UM30]: Attachments to the back of doc. figures

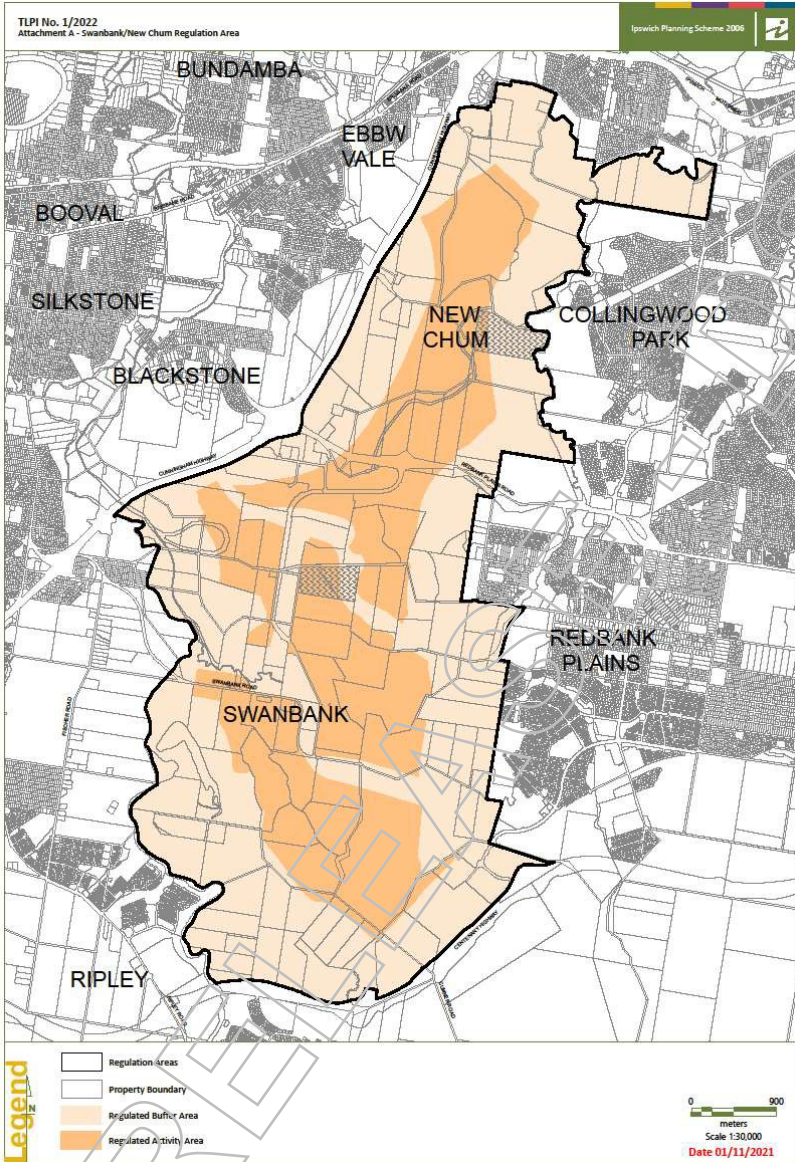
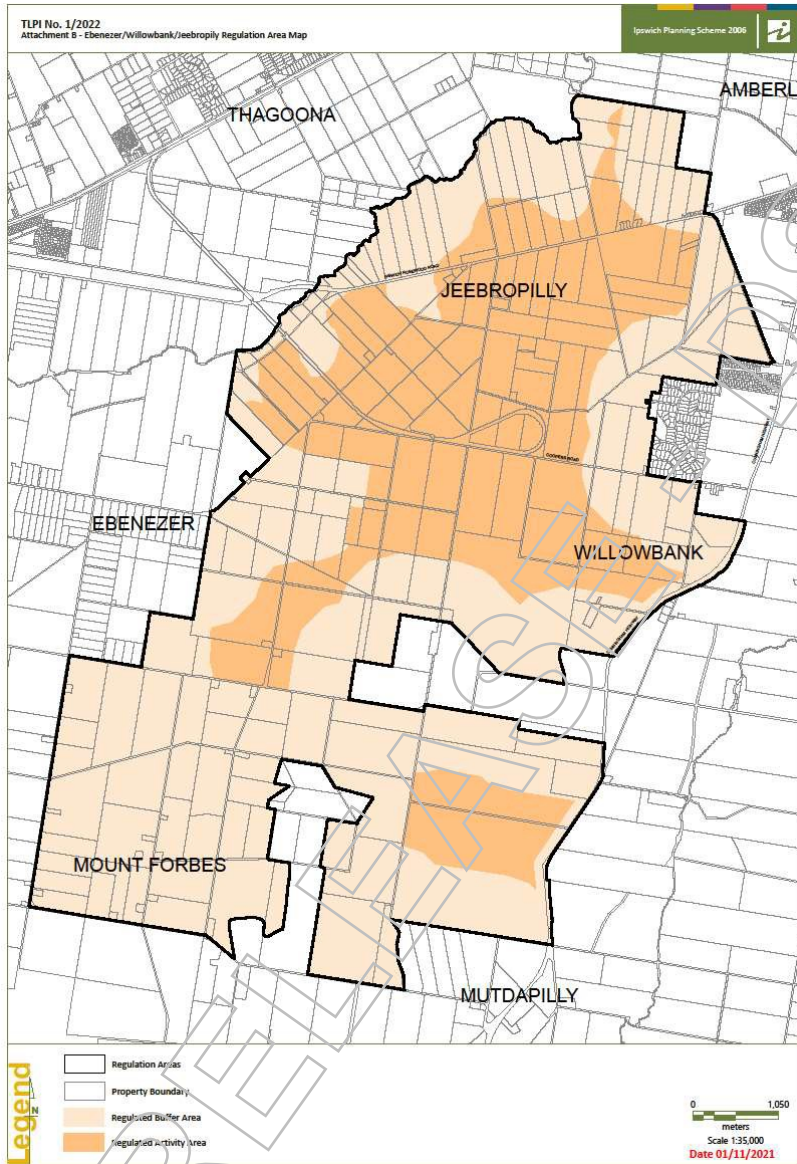


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 10:21 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Ipswich TLPI draft

Thanks [Redacted] will have a look now.

From: [Redacted]
Sent: Friday, 26 November 2021 9:44 AM

[Redacted]
Subject: Ipswich TLPI draft

Hi [Redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing
personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and renewed Australia.*



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 10:56 AM
To: [Redacted]
Cc: [Redacted]
Subject: ICC TLPI - draft PAR

Hi [Redacted]

Assessment report is on teams for your review:

<https://teams.microsoft.com/l/file/438599F6-B620-4764-AC2F-6C9B95C7BED8?tenantId=7db2bee6-535c-4748-bf78-c30733511bcd&fileType=docx&objectUrl=https%3A%2F%2Fdsdipq.sharepoint.com%2Fsites%2FSEQW-planmaking%2FShared%20Documents%2FGeneral%2FPackage%201%2FBriefing%20material%2FAssessment%20report.docx&baseurl=https%3A%2F%2Fdsdipq.sharepoint.com%2Fsites%2FSEQW-planmaking&serviceName=teams&threadId=19%3A4Z4XoxhzLn3fsfO49n-aYcPqxeicttMY-5GzEelzbg1@thread.tacv2&groupId=732549d0-5c08-43d5-a43d-5c92ff99429f>

Thanks

[Redacted]



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 11:44 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: ICC TLPI - draft PAR

And the brief...

- [Brief](#)
- [Assessment report](#)

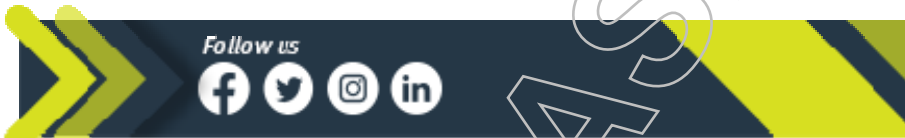


[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]
Sent: Friday, 26 November 2021 10:56 AM
[Redacted]

Subject: ICC TLPI - draft PAR

Hi [Redacted]

Assessment report is on teams for your review:

<https://teams.microsoft.com/l/file/438599F6-B620-4764-AC2F-6C9B95C7BED8?tenantId=7db2bee6-535c-4748-bf78-c30733511bcd&fileType=docx&objectUrl=https%3A%2F%2Fdsdipq.sharepoint.com%2Fsites%2FSEQW-planmaking%2FShared%20Documents%2FGeneral%2FPackage%201%2FBriefing%20material%2FAssessment%20report.docx&baseUrl=https%3A%2F%2Fdsdipq.sharepoint.com%2Fsites%2FSEQW->

Thanks



A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE

From: [redacted]
To: [redacted]
Subject: Draft 2 - Timeline of Ipswich TLPI instruments v2
Date: Friday, 26 November 2021 1:47:29 PM
Attachments: [Draft 2 - Timeline of Ipswich TLPI instruments v2.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi [redacted]

Amendments made per [redacted] comments.

Thanks,

[redacted]

[redacted]

Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

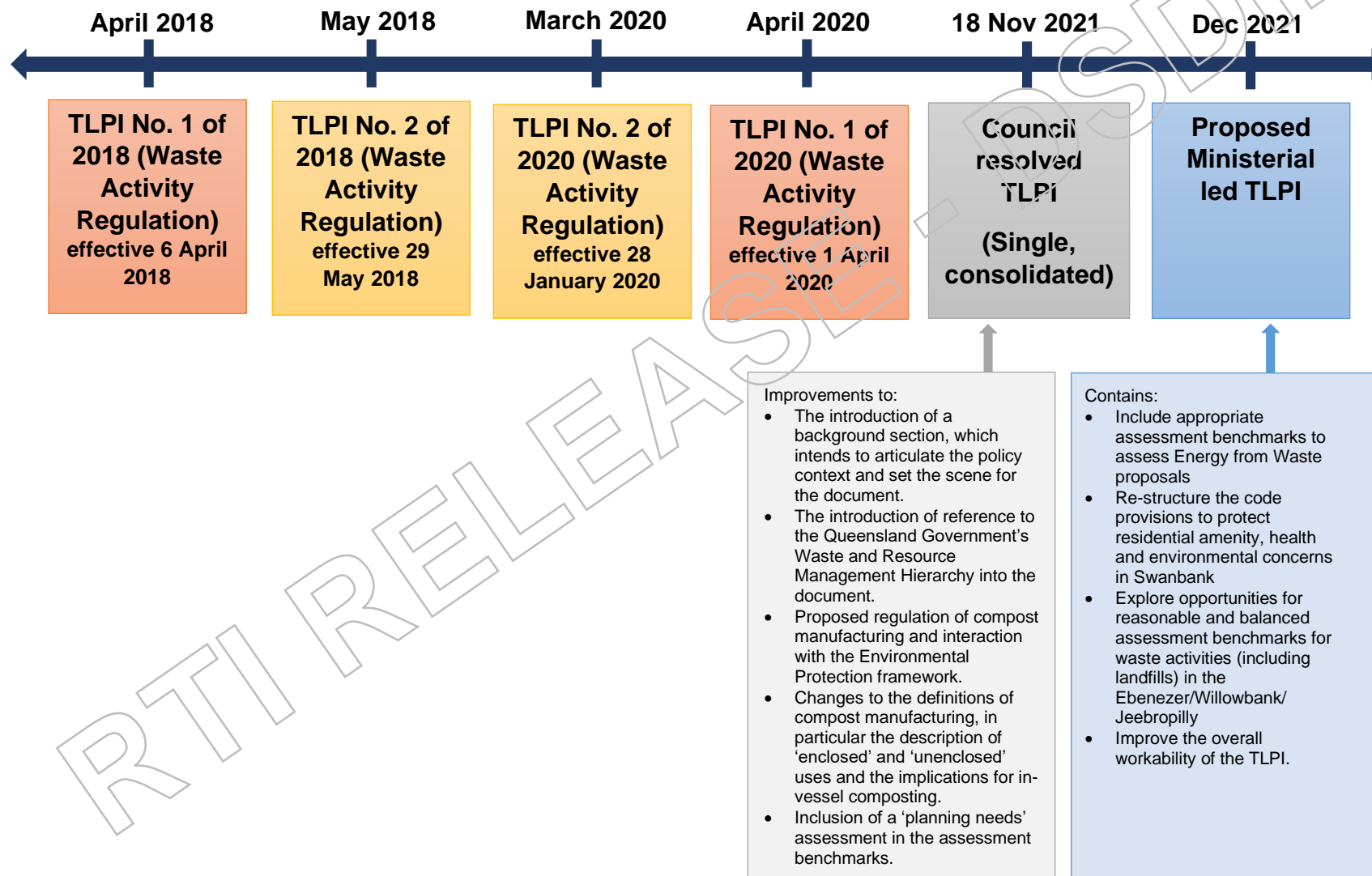
Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

RTI RELEASE

Timeline of Ipswich TLPI Instruments



From: [redacted]
To: [redacted]
Subject: FW: Draft 2 - Timeline of Ipswich TLPI instruments v2
Date: Friday, 26 November 2021 1:52:30 PM
Attachments: [Draft 2 - Timeline of Ipswich TLPI instruments v2.docx](#)
[image001.png](#)
[image003.png](#)
[image002.png](#)
[image004.png](#)
[image009.png](#)
[image010.png](#)

Do we need to note that the 2018 TLPIs are no longer in effect or anything else? Or is this good to go?

Kind regards,

[redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]

Sent: Friday, 26 November 2021 1:47 PM

[redacted]

Subject: Draft 2 - Timeline of Ipswich TLPI instruments v2

Hi [redacted]

Amendments made per [redacted] comments.

Thanks,

[redacted]

[redacted]

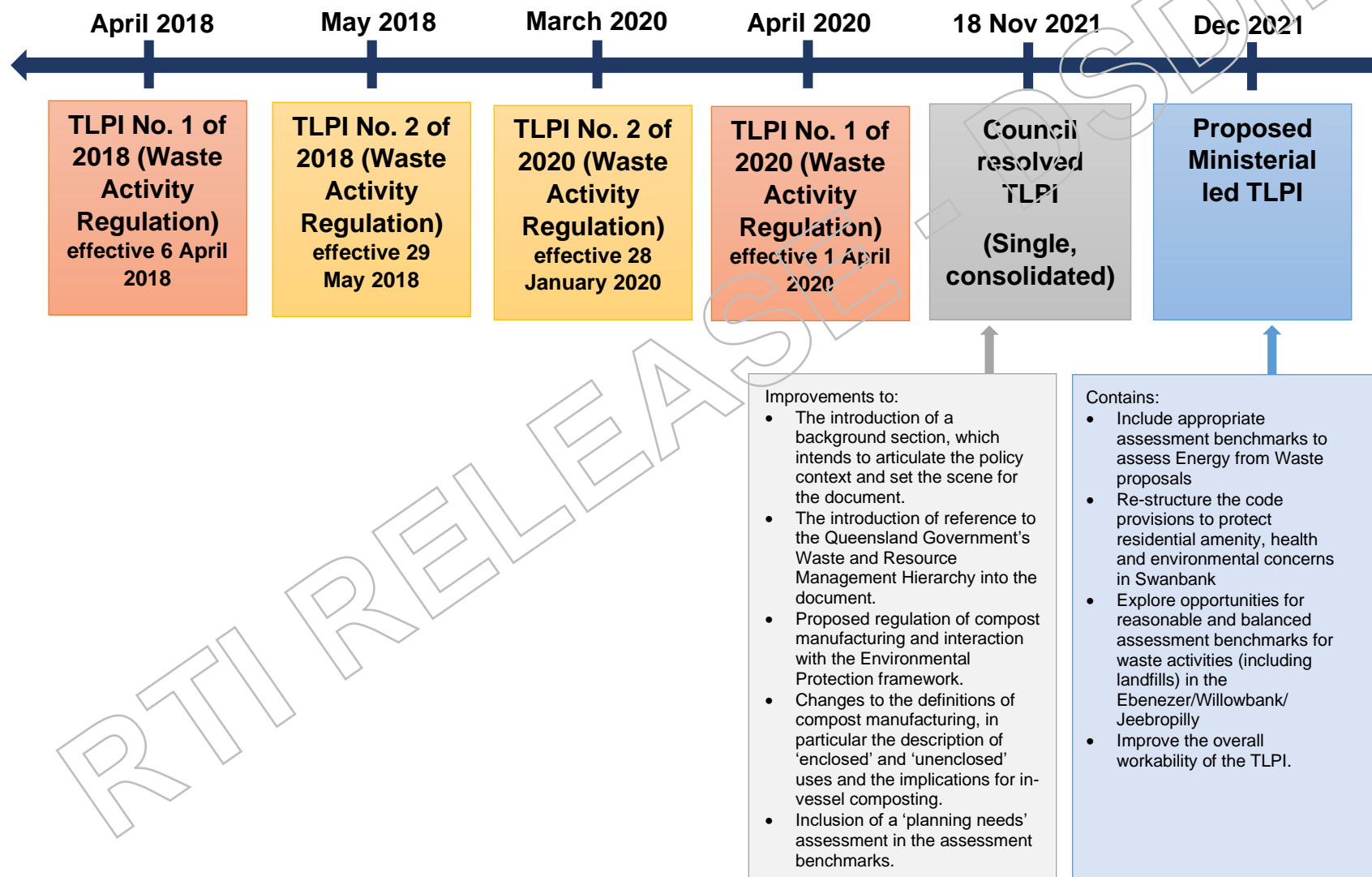
Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
statedevelopment.qld.gov.au

RTI RELEASE - DSDIL GP

Timeline of Ipswich TLPI Instruments



From:
To:
Subject: Draft 2 - Timeline of Ipswich TLPI instruments v3
Date: Friday, 26 November 2021 1:58:30 PM
Attachments: [Draft 2 - Timeline of Ipswich TLPI instruments v3.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Minor amendment made to wording for 2018 TLPIs.

Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

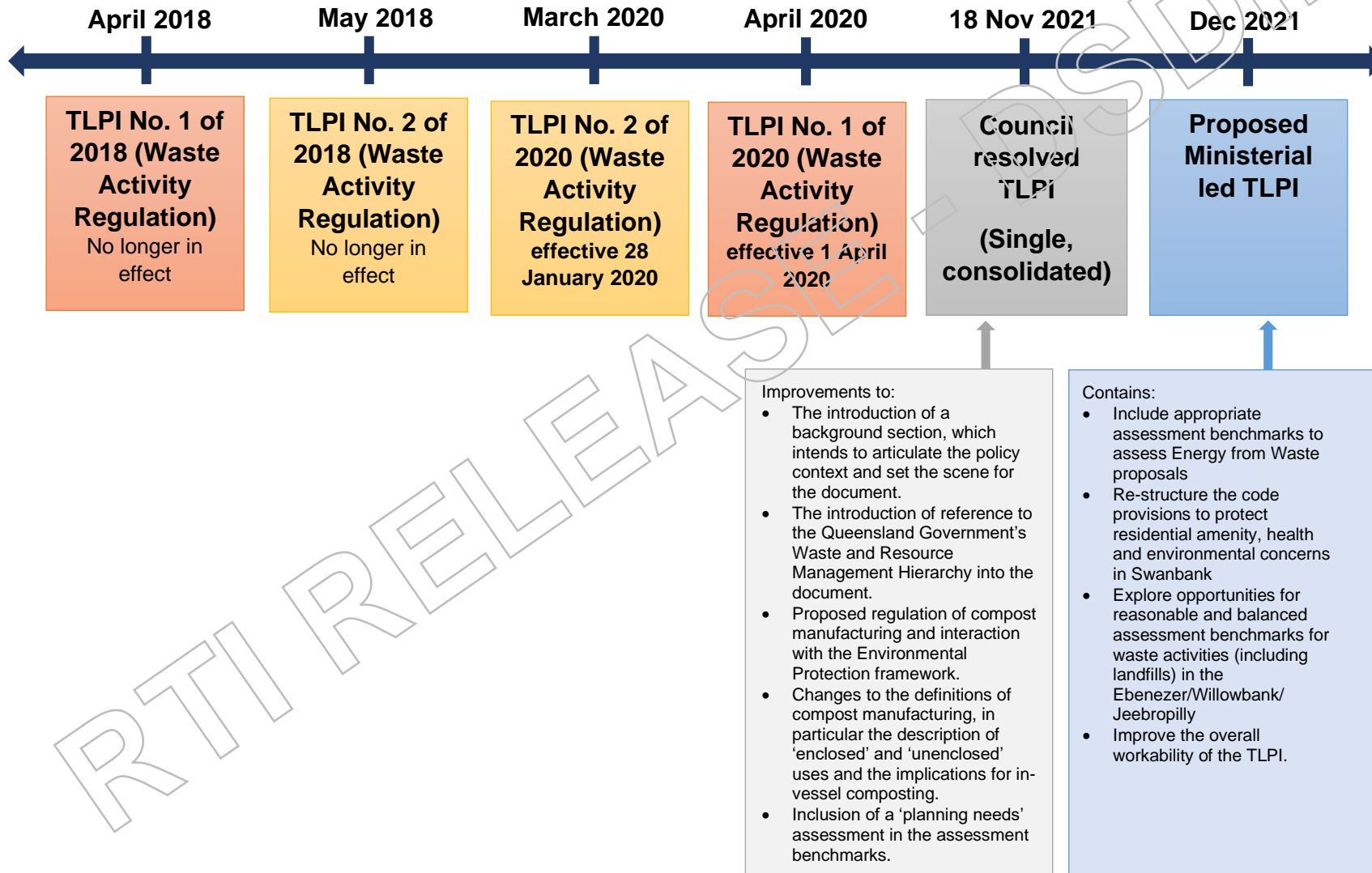
Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

RTI RELEASE - DSDILGP

Timeline of Ipswich TLPI Instruments



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 1:59 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: ICC TLPI - draft PAR

Adding the letter and human rights impact assessment to the list.

- [Brief](#)
- [Assessment report](#)
- [Letter \(notice and reasons\)](#)
- [Human rights impact assessment](#)



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

Follow us

*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and revitalised Australia.*

From: [Redacted]
Sent: Friday, 26 November 2021 11:44 AM

[Redacted]

Subject: FW: ICC TLPI - draft PAR

And the brief...

- [Brief](#)
- [Assessment report](#)



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reunited Australia.*

DSDILGP

From [Redacted]

Sent: Friday, 26 November 2021 10:56 AM

[Redacted]

Subject: ICC TLPI - draft PAR

Hi [Redacted]

Assessment report is on teams for your review:

<https://teams.microsoft.com/l/file/438599F6-B620-4764-AC2F-6C9B95C7BED8?tenantId=7db2bee6-535c-4748-bf78-c30733511bcd&fileType=docx&objectUrl=https%3A%2F%2FdSDipg.sharepoint.com%2Fsites%2FSEQW-planmaking%2FShared%20Documents%2FGeneral%2FPackage%201%2FBriefing%20material%2FAssessment%20report.docx&baseurl=https%3A%2F%2FdSDipg.sharepoint.com%2Fsites%2FSEQW-planmaking&serviceName=teams&threadId=19:4Z4XoxhzLn3fsfO49n-aYcPqxeicttMY-5GzEelzbg1@thread.tacv2&groupId=732549d0-5c08-43d5-a43d-5c92ff99429f>

Thanks

[Redacted]



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

R



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

From: [redacted]
To: [redacted]
Subject: FW: Draft 2 - Timeline of Ipswich TLPI instruments v2
Date: Friday, 26 November 2021 1:52:00 PM
Attachments: [Draft 2 - Timeline of Ipswich TLPI instruments v2.docx](#)
[image001.png](#)
[image003.png](#)
[image002.png](#)
[image004.png](#)
[image009.png](#)
[image010.png](#)

Do we need to note that the 2018 TLPIs are no longer in effect or anything else? Or is this good to go?

Kind regards,

[redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]

Sent: Friday, 26 November 2021 1:47 PM

[redacted]

Subject: Draft 2 - Timeline of Ipswich TLPI instruments v2

Hi [redacted]

Amendments made per [redacted] comments.

Thanks,

[redacted]

[redacted]

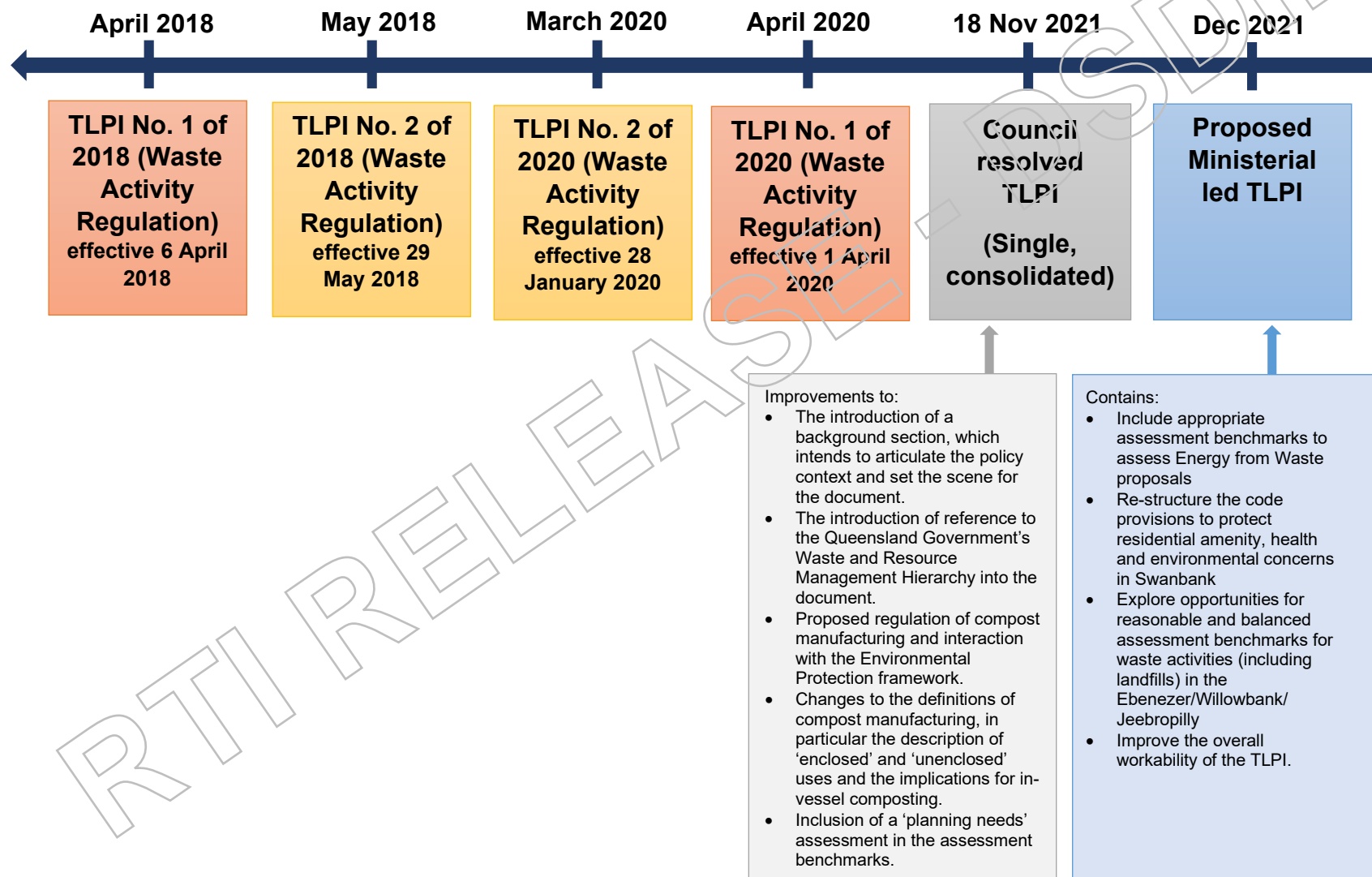
Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
statedevelopment.qld.gov.au

RTI RELEASE - DSDIL GP

Timeline of Ipswich TLPI Instruments



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 2:00 PM
To: [Redacted]
Cc: [Redacted]
Subject: PAR comments

Importance: High

Hi guys

I'm up to s5.2 in the PAR so far.

Please start to address my comments now.

We need more work on the ShapingSEQ assessment.

I have a meeting with Comms now to provide an update, but will jump back on at 2.30pm.

Regards

[Redacted]



[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 2:01 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: PAR comments

Hi [Redacted],

I am working through your comments as we speak.

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 14, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 2:00 PM

[Redacted]

Subject: PAR comments

Importance: High

Hi guys

I'm up to s5.2 in the PAR so far.

Please start to address my comments now.

We need more work on the ShapingSEQ assessment.

I have a meeting with Comms now to provide an update, but will jump back on at 2.30pm.

Regards

[Redacted]



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 2:26 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: PAR comments

Thanks [Redacted]

Corey is working through the comments and will work on the ShapingSEQ assessment. ShapingSEQ part will also need to be worked on in the notice attached to the letter.

I will keep working through the other docs.



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 2:01 PM

[Redacted]

Subject: RE: PAR comments

Hi [Redacted]

I am working through your comments as we speak.

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



ILGP

From: [Redacted]

Sent: Friday, 26 November 2021 2:00 PM

Subject: PAR comments

Importance: High

Hi guys

I'm up to s5.2 in the PAR so far.

Please start to address my comments now.

We need more work on the ShapingSEQ assessment.

I have a meeting with Comms now to provide an update, but will jump back on at 2.30pm.

Regards

N



Queensland
Government

[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams - [meet now](#)

Sch. 4(4)(6) - Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 2:31 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: ICC TLPI - draft documents

All docs are below [Redacted] is peer reviewing the draft TLPI atm.

- [Brief](#)
- [Assessment report](#)
- [Letter \(notice and reasons\)](#)
- [Human rights impact assessment](#)
- [Comparison table](#)



[Redacted]
Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]
Sent: Friday, 26 November 2021 1:59 PM

[Redacted]

Subject: FW: ICC TLPI - draft PAR

Adding the letter and human rights impact assessment to the list.

- [Brief](#)
- [Assessment report](#)
- [Letter \(notice and reasons\)](#)

- [Human rights impact assessment](#)



[Redacted]

A/Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 11:44 AM

[Redacted]

Subject: FW: ICC TLPI - draft PAR

And the brief...

- [Brief](#)
- [Assessment report](#)



[Redacted]

A/Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



GP

From [redacted]

Sent: Friday, 26 November 2021 10:56 AM

[redacted]

Subject: ICC TLPI - draft PAR

Hi [redacted]

Assessment report is on teams for your review:

<https://teams.microsoft.com/l/file/438599F6-B620-4764-AC2F-6C9B95C7BED8?tenantId=7db2bee6-535c-4748-bf78-c30733511bcd&fileType=docx&objectUrl=https%3A%2F%2Fdsdipg.sharepoint.com%2Fsites%2FSEQW-planmaking%2FShared%20Documents%2FGeneral%2FPackage%201%2FBriefing%20material%2FAssessment%20report.docx&baseurl=https%3A%2F%2Fdsdipg.sharepoint.com%2Fsites%2FSEQW-planmaking&serviceName=teams&threadId=19:474XoxhzLn3fsfO49n-aYcPqxeicttMY-5GzEelzbg1@thread.tacv2&groupId=732549d0-5c08-43d5-a43d-5c92ff99429f>

Thanks

[redacted]



Queensland Government

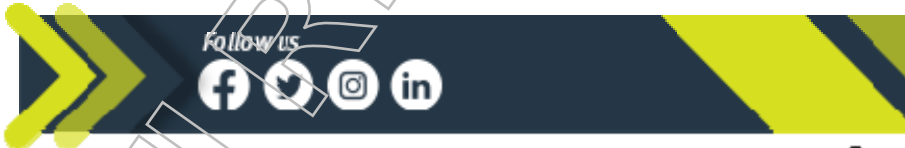
[redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



R

[Redacted]

From:
Sent:
To:
Cc:
Subject:

[Redacted]
Friday, 26 November 2021 2:40 PM
[Redacted]
RE: PAR comments

Ok great. Just updated media team on progress and timeline.

Regards

[Redacted]



**Queensland
Government**

[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 2:01 PM

[Redacted]

Subject: RE: PAR comments

Hi [Redacted]

I am working through your comments as we speak.

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I pay my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 2:00 PM

Subject: PAR comments

Importance: High

Hi guys

I'm up to s5.2 in the PAR so far.

Please start to address my comments now.

We need more work on the ShapingSEQ assessment.

I have a meeting with Comms now to provide an update, but will jump back on at 2.30pm.

Regards

[Redacted]



[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 3:14 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Ipswich TLPI draft
Attachments: Redraft TLPI copy for review.docx; Re-worded context section.docx

Hi [Redacted]

Please see attached version with my comments.

I also had a go at re-drafting the context and planning challenge sections as I found it a bit of a struggle to get comprehend at times.

Happy to discuss further if you have any questions or concerns around my comments. Hopefully you are able to see them....

Cheers



[Redacted]

Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [redacted]

Sent: Friday, 26 November 2021 9:44 AM

To: [redacted]

Cc:

Subject: Ipswich TLPI draft

Hi [redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



[redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASED - DSDILG

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018 19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing

Commented [UM1]: Minister comments not appropriate -level of impartiality

Commented [DH2]: prior to the first TLPI's? Might be better to say "these earlier TLPI's..."

policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

4.5.1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [DH3]:

Commented [DH4]: This is a long sentence. Suggest breaking up.

Commented [KH5]: New section included to address energy from waste challenge

The Planning Challenge

4.6.1.5. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure1: TLPI Boundary).
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.
- 2.4. In particular, this TLPI seeks to:
 - (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity land uses;

Commented [DH6]:

Commented [DH7]: The second part of this sentence doesn't really link to the first part... Aren't we talking about the roles that waste activities play?

Commented [DH8]: This meaning of this statement is a little unclear to me.

Commented [KH9]: Section deleted because it repeats provisions already included in Part 3 Purpose

- ~~(c) ensure the protection and improvement of the natural environment;~~
- ~~(d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and~~
- ~~(e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.~~

- 2.5. ~~This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~
- 2.6. ~~This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~
- 2.7. ~~This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [KH10]: Sections 2.5–2.7 moved to Part 6 Effect of the TLPI because they are more relevant to what effect the TLPI has in implementation

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) ~~facilitate and manage the management of and appropriate restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;~~
 - (c) ~~S~~sensitive ~~R~~Receiving ~~U~~Uses are protected from adverse impacts associated with waste activities; and
 - ~~(d)~~ the immediate and long-term protection and improvement of the natural environment.
- 3.2. To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - ~~(iii)~~ Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.
 - ~~(iv)~~ Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.
 - (c) includes additional definitions for Defined Uses and Use Classes for:

Commented [KH11]: Wording adjusted to clarify the TLPI's purpose and how it will apply

- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)(iv)~~ Energy from Waste Facility;
 - ~~(iv)(v)~~ Landfill;
 - ~~(v)(vi)~~ Void;
 - ~~(vi)(vii)~~ Resource Recovery Facility;
 - ~~(vii)(viii)~~ Restoring a Void; and
 - ~~(viii)(ix)~~ Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [DH12]: isnt this covered in 3.2(e)?

~~3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

Commented [KH13]: Section deleted because the TLPI should only contain the assessment provisions, not the assessment considerations a decision maker takes into account. Also repeats the purpose of Planning Act

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment-generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

Commented [KH14]: Moved to Part 6 Effect of the TLPI

6.1 The TLPI applies to land within the TLPI Boundary on the maps in [Figures 1 – 3, Attachment A and B](#).

PART 7 – EFFECT OF THE TLPI

Commented [DH15]: Typically we would identify the sections of the planning scheme that we are suspending here

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for ~~assessing~~ assessable development.

6.2. [The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in Figures 1 – 3.](#)

Commented [DH16]:

Formatted: Character scale: 100%

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Highlight

6.3. [The TLPI suspends the following sections](#).

6.2.6.4. The assessment benchmarks under this TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(b)
- (b) **Attachment CA**: the "Resource Recovery and Waste Activity Code"; and
- (c) **Attachment BD**: Table 1 - Table of Assessment and Relevant Assessment Criteria.
- (e)(d) [The Planning Scheme \(unless stated otherwise\)](#)

Commented [DH17]: Is a table/category of assessment an "assessment benchmark"? Refer to <https://dsdmiprd.blob.core.windows.net/general/Factsheet-Assessmentbenchmarks.pdf>

6.3.6.5. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.

6.6. This TLPI includes definitions as set out below in Attachment [EC](#).

6.7. [This TLPI does not regulate activities authorised under Mining Leases \(and associated Environmental Authorities\) under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.](#)

6.8. [This TLPI does not regulate operational work for which the Ipswich Planning Scheme is the regulatory instrument.](#)

6.9. [This TLPI does not regulate composting that is domestic / home composting end products for self-use \(see AS 4454-2012\) on a domestic scale.](#)

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [KH18]: Mapping moved to the end of the TLPI

RTI RELEASE - DSDILGP

**ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA
OVERLAY MAP**

RTI RELEASE - DSDIL GP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [KH19]: Deleted as unnecessary to repeat the code title

2.1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with any part of section 3 or 4 constitutes undesirable development and is unlikely to be approved.

Commented [DH20]: Section 3 is just listing the applicable SO's. I think (2) should also include section 4.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenzer/Jeebropilly Regulation Area;
 - (iii) ~~adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.~~
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) ~~Waste Activities do not limit the establishment of productive current and future uses on any premises;~~
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are ~~enhanced~~ **protected**; economic opportunities are maximised for the long term;
 - (iii) do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (iv) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and
 - (v) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and
 - (vi) achieve appropriate rehabilitation outcomes for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
 - (e) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

Commented [DH21]: re-word suggestion: "Detrimental impacts on the amenity of the surrounding area are avoided"

Commented [DH22]: Rework suggestion: "Significant impacts on visual amenity to residential and other sensitive receiving uses are avoided"

- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area and is carried out so that

Commented [KH23]: Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas

- Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
- (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:**
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:**
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.**
- (e) Energy from Waste Facilities within the TLPI Boundary:**
- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) isare of a size, scale and intensity consistent with the intended or planned development for the area.
- (b) Particular Waste Activities in the Regulated Buffer Area do not occur;**
- (c) Waste Activities are only established in the Regulated Activity Area where:**
- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
 - (ii) adverse environmental impacts on and beyond the premises are avoided;
 - (iii) any increase in environmental risk on and beyond the premises is avoided; and
 - (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and
 - b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:**
- (i) reduction in the reasonable management of the extent and intensity of adverse off-site impacts by improving operations;

Commented [DH24]: How is this provision intended to operate?

I would suggest re-drafting of 2(a)(i) and (ii) to be clearer. Example provided below;

(i) "Occurs in the Swanbank/New Chum Regulated Activity Area"

(ii) "Only occurs in the Swanbank/New Chum Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected"

Commented [DH25]:

- (ii) improvements to the management of adverse off-site impacts ~~by implementing best practice;~~
- (iii) improved environmental performance;
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLP Boundary.~~

Commented [KH26]: Outcome deleted because it is subjective and unclear how this outcome would be applied

Commented [KH27]: Outcome amended to promote co-location of resource recovery with landfills to increase re-use and recycling. Landfills are becoming a last resort option under wider waste policy.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Commented [KH28]: New section included to detail the application of the specific outcomes to different development types to align with current state drafting approach

Commented [DH29]: should this be 4.2?

Commented [DH30]: should this be table 4.2?

Table 3.1: Application of Specific Outcomes

Column 1 Relevant provision of the code	Column 2 Development
Swanbank/New Chum Regulation Area	
SO1 – SO4	All development
Ebenezer/Willowbank Regulation Area	
SO5 – SO7	All development
Waste Activities	
SO8 – SO10	All Waste Activities
Filling and excavation	
SO11 – SO12	All development
Landscaping and visual amenity	
SO13	All development
Stormwater and groundwater management	
SO14 – SO15	All development

Commented [DH31]: SO5-SO6

Commented [DH32]: Should this be SO7 - SO9?

Commented [DH33]: SO10-SO11

Commented [DH34]: SO12

Commented [DH35]: SO13-SO14

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [KH36]: Specific outcomes separated to reflect different policy approach for Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly. Separating provides clarity in applying the provisions

Commented [KH37]: Headers added to table to ensure relevant assessment benchmarks can be readily identified

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street, visually attractive,; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [DH38]: should this be an 'and'? You could implement best practice but still impact on sensitive uses.

Commented [KH39]: Specific outcome deleted because the code purpose and overall outcomes address this, so unnecessary to repeat within the table

Commented [KH40]: Specific outcome deleted because the code purpose and overall outcomes addresses this, so unnecessary to repeat within the table

Commented [KH41]: SO amended to delete those parts that introduce subjectivity in the outcome

Commented [DH42]:

Commented [DH43]: missing item (g)

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 10km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling, and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [KH44]: New outcomes included for Ebenezer that continue the current TLPI outcomes

Commented [KH45]: New outcomes included to require co-location of resource recovery with all landfill proposals. Outcomes also included for energy to waste

Commented [DH46]: Should there be a threshold for when this provision might apply? What if an operator was doing a minor change to a landfill site? would this requirement still apply? Could be considered an onerous and potentially unreasonable requirement in some circumstances.

Commented [DH47]: At face value this seems an unreasonable requirement. Is there an evidence base for a 10km buffer? Are there actually locations where this requirement could be met?

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p><u>Managing environmental impacts Landscaping and visual amenity</u></p>	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [KH48]: Minor amendment to outcome to include the note as part of the outcome to ensure it is an assessment matter instead of a guidance note

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</p> <p>(m)(c) where possible, avoids complex and technical management systems;</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) Waste Activities or Restoring a Mining Void are designed, operated and maintained to:</p> <p>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</p>	<p>No probable solution provided</p>

Commented [DH49]: Missing (c)

Commented [DH50]: Is there a distinction between a "void" and a "mining void"? We should keep consistent terminology if possible.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Commented [KH51]: Wording reflects current TLPI code

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [UM52]: Needs to be self-contained.

Commented [KH53R52]: Amended to align with wording in Narangba TLPI and avoid repeating what is required under (a) and (b)

Commented [UM54]: Check purpose statement addresses this, if so - delete

Commented [UM55]: Move to Purpose – but waste activity i.e. landfill desirable if including a resource recovery ancillary use.

Commented [KH56R55]: New SO added above

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM57]: Update for Swanbank

Commented [DH58]: Could we just say "all other Waste Activities"?

Commented [DH59]: this use is identified as impact assessable but the overall outcomes appear to support this use in this precinct. What are we value adding by making this impact assessable?

Commented [DH60]: Include 'the whole planning scheme' as an assessment benchmark if impact?

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

Commented [KH61]: Definition applied from Queensland Energy from Waste Policy (DES June 2020)

8.48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8.58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

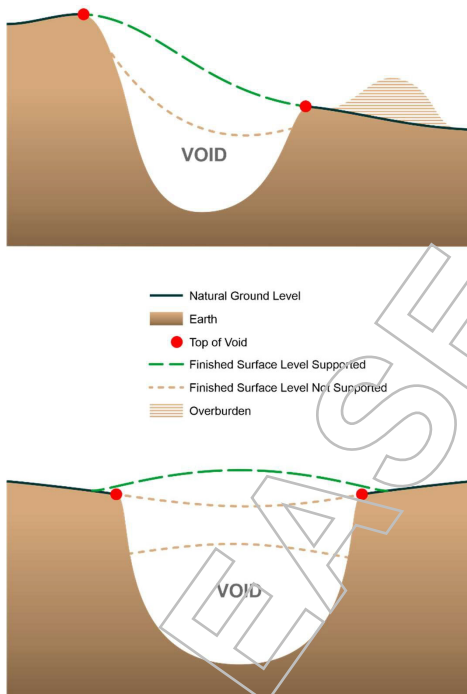
8.88.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) [Energy from Waste facility](#)

Formatted: Character scale: 100%

- (iii)(iv) "Landfill";
- (iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Formatted: Character scale: 100%

RTI RELEASE - DSD/KGP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

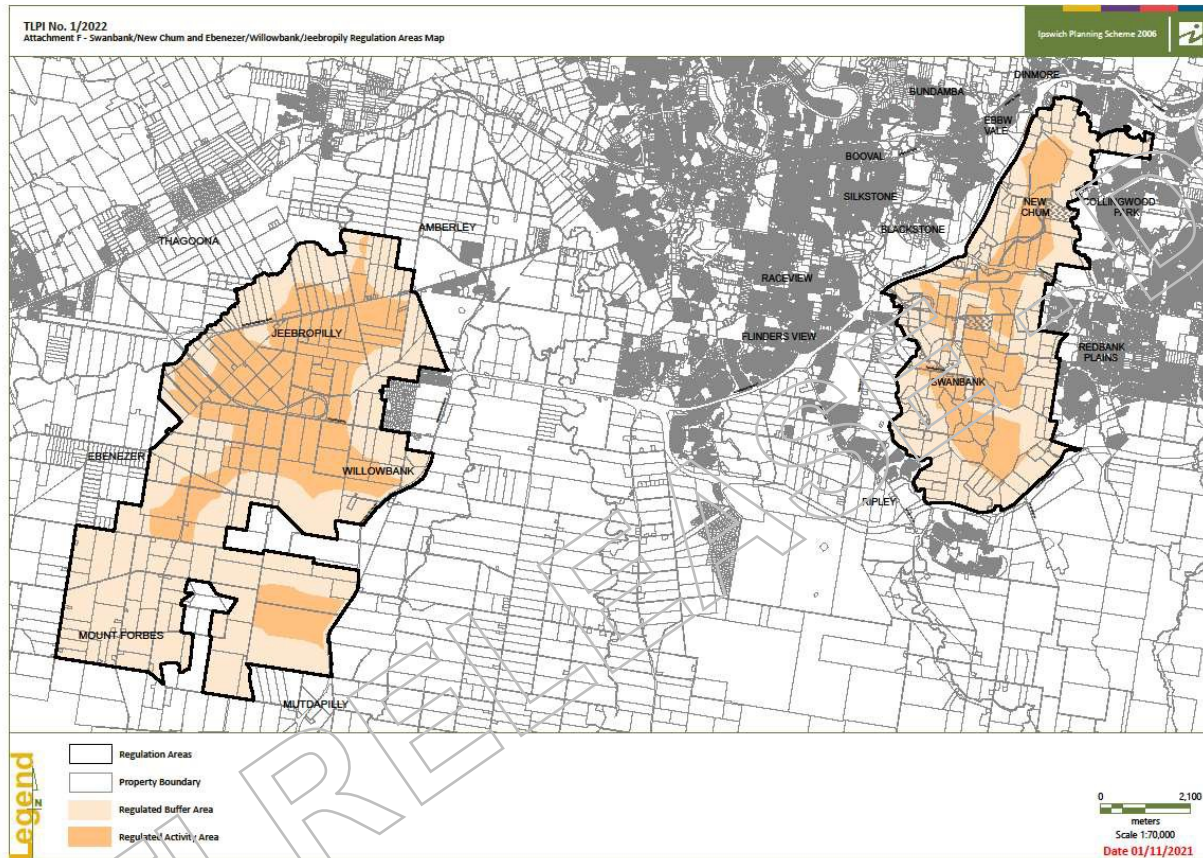


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [UM62]: Attachments to the back of doc. figures

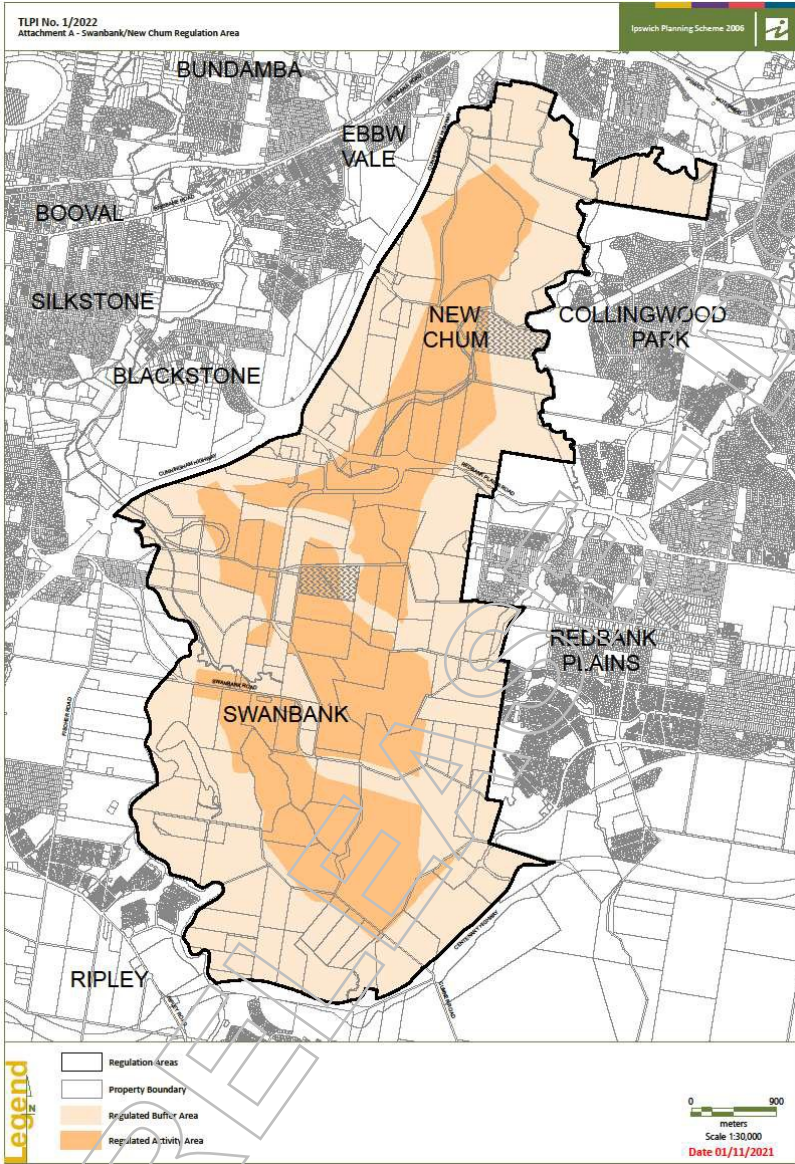
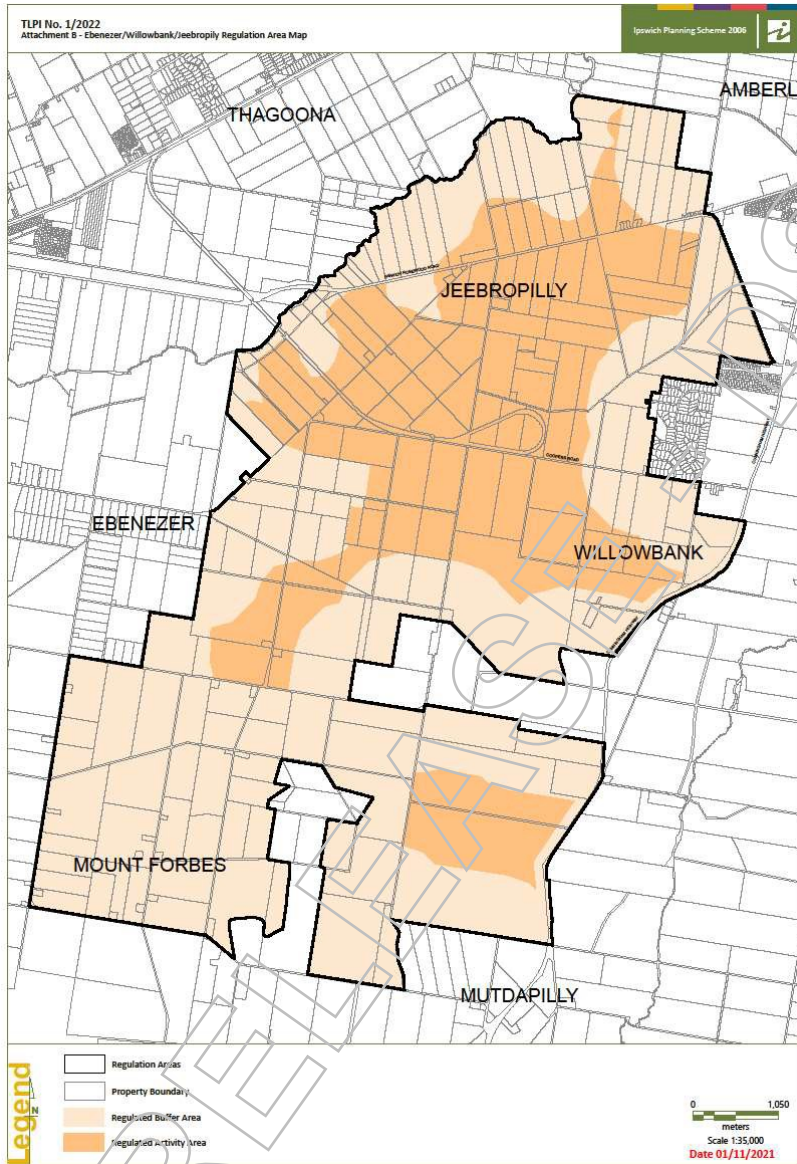


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



1.1. In 2018 the first of a series of TLPI's addressing emerging and urgent waste issues in Ipswich commenced. These earlier TLPI's refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

Commented [DH1]: prior to the first TLPI's? Might be better to say "these earlier TLPI's..."

1.2. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future'. This shift to a "zero waste future" is demonstrated through the adoption of the waste hierarchy. Importantly, the change in policy approach coincides with changes in community attitudes towards waste reduction, re-use, recycling and disposal, and protection of the environment.

This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich. In particular, the TLPI provides a framework to support these policy advancements for new and emerging technologies and industries, whilst also providing direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [DH2]:


Commented [DH3]: This is a long sentence. Suggest breaking up.

1.3. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. Accordingly, these activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered. The TLPI seeks to address the current gap in the regulatory framework as it relates to the management of waste.

Commented [KH4]: New section included to address energy from waste challenge

2. The Planning Challenge

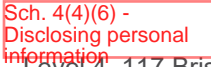
2.1. It is critical that the challenges posed by waste activities in Ipswich are addressed. In the regard, this TLPI is an interim measure to provide for policy advancements pending the preparation of the new Ipswich Planning Scheme. It is anticipated that the policy content of this TLPI will inform the development of provisions within the new Ipswich Planning Scheme which will form a more considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

From: 
To:
Subject: PAR from Notice of Intention to Make - Minister Led 2018
Date: Friday, 26 November 2021 3:19:00 PM
Attachments: [D18 66274 Attachment 5 - Planning Assessment Report.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Kind regards,



Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning


Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

RTI RELEASE - DSDILGP

ATTACHMENT 5

PLANNING ASSESSMENT REPORT

TEMPORARY LOCAL PLANNING INSTRUMENT No.1 OF 2018 (WASTE ACTIVITY REGULATION)
IPSWICH CITY COUNCIL

1. EXECUTIVE SUMMARY

Instrument	<ul style="list-style-type: none">Proposed Temporary Local Planning Instrument No.1 of 2018 (proposed TLPI) to the <i>Ipswich Planning Scheme 2006</i> (the planning scheme)
Key Issues	<ul style="list-style-type: none">Serious community concerns exist around amenity impacts from landfills and other waste management activities in the Swanbank/New Chum industrial area on surrounding residential uses.Council has received two development applications in the Swanbank / New Chum industrial area.The Mayor of Ipswich City Council wrote to you as Minister for State Development, Manufacturing, Infrastructure and Planning advising that the council has already received two development applications for landfill or waste transfer facilities to be located in the Swanbank / New Chum industrial area and that there is the potential for four additional landfill operations to be lodged in the future.The City Planner of Ipswich City Council emailed the Deputy Director-General Planning Group of the Department of State Development, Manufacturing, Infrastructure and Planning advising that the council expects to receive a further eleven development applications for landfill or waste transfer facilities, eight of which are located in the Swanbank/New Chum industrial area; and that there is the potential for a further four former mining sites that could be used for landfill or waste transfer facilities, two of which are located in the Swanbank/New Chum industrial areaThe Ipswich Planning Scheme does not adequately deal with the anticipated intensification of landfill and waste management activities.Council has written to the State asking for assistance.
TLPI Policy Intent	<ul style="list-style-type: none">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 sensitive land uses from adverse impacts associated with waste activities.
Recommendation	<ul style="list-style-type: none">That the TLPI is made, notice of the TLPI be published in the gazette and the TLPI take effect on the day the notice is published in the gazette.

2. RELEVANT LEGISLATIVE PROVISIONS

Section 23 of the *Planning Act 2016*, (Planning Act), provides that a local government may make a temporary local planning instrument (TLPI) if the Planning Minister and a local government decides:

- (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- (b) the delay involved in using the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase the risk; and
- (c) the making of the TLPI would not adversely affect State interests.

A TLPI is a local planning instrument that may suspend or otherwise affect the operation of another local planning instrument. The TLPI, however, does not amend or repeal the instrument.

Section 27 of the *Planning Act 2016* allows the Minister to take action (including to make a TLPI) if the Minister considers:

- (a) The action should be taken to protect or give effect to a State interest; and
- (b) The action must be taken urgently.

3. ISSUES

Ipswich City Council

The planning scheme commenced on 23 January 2006 under the now repealed *Integrated Planning Act 1997*. The Swanbank/New Chum industrial area is a regionally significant industrial park that was historically used as an area for open cut mining. The planning scheme envisages a range of uses for the area, predominantly of an industrial nature and includes landfills. Accordingly, the Swanbank/New Chum industrial area includes a number of existing industrial, landfill and composting activities.

Over the past few years, the Ipswich local government area has seen exponential growth in landfill and waste management activities in the Swanbank/New Chum industrial area. It has become apparent that council's planning scheme has not adequately responded (confirmed through community opposition) with the pace of development and the issues arising from these activities.

Council has received two development applications in the Swanbank and New Chum industrial area:

- 1) A development application lodged, on or about 28 June 2017, by Bio-Recycle Pty Ltd (the Bio-Recycle Proposal) for a development permit for:
 - (a) a material change of use for special industry (extension to an existing landfill for non-putrescible waste); and
 - (b) a material change of use for an environmentally relevant activity (ERA60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year); and
- 2) A development application lodged, on or about 13 February 2018, by Austin BMI Pty Ltd (the BMI Proposal) for a development permit for:
 - (a) a material change of use for special industry (landfill, waste transfer station [involving crushing, grinding, milling or screening], resource recovery and ancillary industrial activities) and a Caretaker's Residence;
 - (b) operational works for the clearing of vegetation;
 - (c) a material change of use for the following environmentally relevant activities:
 - (i) ERA 60(2)(h) - waste disposal where operating a facility for disposing of general waste and a quantity of limited regulated waste (that is no more than 10% of the total amount of waste received at the facility in a year) where the quantity of waste is more than 200,000 tonnes per year;
 - (ii) ERA 33 - Crushing, grinding, milling or screening more than 5,000t of material in a year; and

(iii) ERA 62 - waste transfer station.

The Bio-Recycle Proposal was lodged with the council on 28 June 2017, under the now repealed *Sustainable Planning Act 2009* (SPA), and was refused by the council on 18 January 2018. The decision of the council was appealed and a notice was given to the Chief Executive administering the Planning Act on 9 February 2018.

The BMI Proposal was lodged with the council on or about 13 February 2018, under the Planning Act. The BMI Proposal was referred to the State Assessment and Referral Agency (SARA) on 16 March 2018 for the Chief Executive's assessment against the following referral triggers:

- (a) Schedule 10, Part 5, Division 4, Table 2, Item 1 Environmentally Relevant Activities
- (b) Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 State transport infrastructure
- (c) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 State transport corridor.

The BMI Proposal is currently still under assessment by the council and SARA.

On 2 March 2018, the Mayor of Ipswich City Council wrote to you (**Annexure 1**) as the Minister for State Development, Manufacturing, Infrastructure and Planning with respect to these two development applications, stating—

"These applications are considerable waste proposals that have the potential to significantly and detrimentally impact both our local community and state interests. The focus of these activities to date have been the Swanbank and New Chum areas. Much of this area has been left in a highly disturbed state since the cessation of underground and open cut mining in the area. There are many residual voids which remain from mining activity that have been subject to a wide range of proposals over the last 30 years from waste operators. Many now contain landfills, waste transfer uses and composting activities.

...

In addition to this, there is potential for additional landfill operations to be lodged in the future (I am advised of four possible additional proposals) in Ipswich including the potential for these activities to extend to Willowbank and/or Ebenezer."

The Mayor further requested you call in the Bio-Recycle Proposal.

On 6 March 2018, the City Planner for the Ipswich City Council emailed (**Annexure 2**) the Deputy Director-General Planning Group of the Department of State Development, Manufacturing, Infrastructure and Planning (the department) in respect of the Bio-Recycle Proposal and the BMI Proposal stating—

"We have had many enquiries regarding other sites in these locations and we anticipate that a further 11 applications are underway or potentially awaiting the outcome of the Biorecycle and BMI applications. There are another 4 former mining sites that could also be used for landfill purposes."

The email from the City Planner attached two Waste Activity Location Maps that spatially identified the anticipated further applications and the former mining sites within the Swanbank/New Chum industrial area and the Willowbank area (**Annexures 3 and 4**). The department has reviewed this information and found:

Swanbank / New Chum industrial area

- 2 lodged development applications
- 8 expected development applications
- 2 former mining sites with the potential for similar development

Willowbank

- 1 existing landfill
- 2 expected development applications
- 2 former mining sites with the potential for similar development

The council has not identified the source of the information in the mapping. Notwithstanding this, as the relevant assessment manager under the Planning Act, the department notes that the council is in a position to have had pre-lodgement discussions and other enquiries with potential proponents. Further, the uncertainty in respect of possible future applications adds to the risk profile and supports the need for urgent action.

Both requests from the council identify concerns in respect to the Swanbank / New Chum industrial area and the Willowbank area. The department has reviewed the two localities and found the majority of the current and potential development activity is focussed on the Swanbank / New Chum industrial area. In addition to this, it is noted that the Swanbank / New Chum industrial area is located within a heavily urbanised environment that has experienced significant residential growth of the past (**Annexure 5**). Whereas the Willowbank area is on the western fringe of East Ipswich and within a rural setting. While there is a small residential community nearby, it is predominantly surrounded by rural activity, historic mining activity, cemeteries, the RAAF Amberley Base, the Willowbank Raceway and the Queensland Raceway (**Annexure 6**). In summary, the Swanbank / New Chum industrial area is surrounded by an existing and expanding urban environment and the Willowbank area is located in a semi-rural/industry area impacted on by other existing and regionally/nationally significant, high impact activities.

As a result, the department recommends particular focus be given to the Swanbank / New Chum industrial area.

The Lyons Report

The report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" (the Lyons Report), dated 17 November 2017 states that, according to a report undertaken by Arcadis:

- (a) there were approximately 226 landfills in Queensland up to financial year 2015 and 20 landfills were located in South East Queensland;
- (b) approximately half of all waste disposed to landfill in Queensland are processed at facilities that are located at Swanbank, New Chum and Willowbank;
- (c) waste generators from interstate are disposing of their waste in the Ipswich area; and
- (d) none of the significant landfills in the Ipswich local government area are owned by local government.

The Lyons Report stated (paragraph 77):

EHP has informed the investigation team that all but 2,000 tonnes of the waste coming into Queensland from outside of the State is being transported into SEQ. Data collected by EHP and industry information indicate that the majority of waste from interstate sources is going into facilities near Ipswich. Figure 3 is a map of key waste disposal facilities that has been prepared by Arup based on an analysis of a number of sources.

and (paragraph 170):

In addition, as the Ipswich City Council has noted in a submission to the investigation, "the movement and disposal of waste from southern states to privately owned landfills in Ipswich

is considered to have a negative impact on the Ipswich community by creating a perception that Ipswich has become 'a dumping ground' for other state's waste."

The recommendations made by the Lyons Report are as follows:

Recommendation No. 1

The Government should consider implementing a general levy on all waste disposed of at landfill in Queensland.

Recommendation No. 2

The Minister for Environment and Heritage Protection and the Department of Environment and Heritage Protection should continue to engage with the corresponding Ministers and Agencies in other Australian States and Territories about the design and implementation of a national framework that would reduce or limit the unnecessary transportation of waste within Australia¹.

Both of these recommendations made in the Lyons Report are supported by the Queensland Government as confirmed in the document "Queensland Government response Investigation into the transport of waste into Queensland" announced on 20 March 2018.

Ipswich Planning Scheme 2006

Having regard to the Ipswich Planning Scheme 2006, it is noted that:

- (a) the Bio-Recycle Proposal and the BMI Proposal are located wholly within the Swanbank New Chum Land Use Concept Master Plan, Figure 6-7-1;
- (b) there are no separation distances in the Council's planning scheme which are relevant to the Bio-Recycle Proposal and the BMI Proposal;
- (c) the Strategic Framework, being contained in section 1.5 within the planning scheme is not a relevant consideration in the Council's assessing and deciding land and waste management development applications (including the Bio-Recycle Proposal and the BMI Proposal). Section 1.5, sub-section (2) specifically states that the Strategic Framework is not relevant to development assessment;
- (d) the Desired Environmental Outcomes (DEOs), being contained in section 3.0 within the planning scheme, is a relevant consideration in the Council's development assessment function. However, the DEOs identified within section 3.1(3) are high level and not specifically written in contemplation of assessing and deciding landfill and waste management development applications;
- (e) key growth areas being the Ripley Valley Priority Development Area are covered by a separate mechanism being the Ripley Valley Development Scheme (October 2011) and this development scheme continues to provide for the continued growth and expansion of the Ripley Valley Town Centre and new, master planned communities, separate to, and outside of, the jurisdiction of the local government's planning scheme and more specifically, the Swanbank/New Chum land use concept master plan contained in the planning scheme.

Further, there are several components of the planning scheme that the department considers affect its suitability as an effective planning instrument to manage these competing industrial and residential land uses, including:

- there are no separation distances in the council's planning scheme which are relevant to development applications within the Swanbank/New Chum industrial area;
- there are no visual amenity provisions for landfill and waste management activities;

¹ Page 40, report made by the Honourable Peter Lyons QC, "Investigation into the Transport of Waste into Queensland - Final Report" dated 17 November 2017.

- landfills and other waste activities are categorised as 'special industries' under the planning scheme and are code assessable if an applicant can demonstrate that there are "no discernible impacts outside of the zone".

It is noted that the Swanbank/New Chum industrial area is proximate to residential communities, including the Ripley Valley Priority Development Area (PDA).

Community concern

In his letter to the Minister dated 2 March 2018, Councillor Andrew Antonioli, Mayor, Ipswich City Council identified that the residents of Ipswich are unhappy about the number of dumps in Ipswich.

This community concern was evidenced by attendance at a local town hall meeting in Booval on 13 March 2018. A media article in the Queensland Times (15 March 2018) highlights landfill activities being a key focus for the local community with over 400 residents attending the meeting. Premier Anastacia Palaszczuk is quoted as declaring she 'would not stand for Queensland being the dumping ground for New South Wales'.

The department has also received numerous items of correspondence from a community group called 'IRATE' opposing landfill activities within Swanbank, particularly concerns include odour, dust and condition and compliance matters.

The Council made a submission to the Investigation into the Transport of Waste into Queensland (**Annexure 7**) which culminated in the release of the Lyons Report. In its submission, the Council noted community concerns over the impacts that landfill activities are having on the Ipswich community.

In addition to the above, the department has identified that there has been widespread print and digital media coverage of this issue including (amongst possible others): 612 ABC radio news bulletins and talk-back radio; various commercial television news bulletins; an ABC Four Corners exposé; and numerous pieces published in the Queensland Times, Courier Mail and Sydney Morning Herald.

Parliamentary motion – Move to call in BMI Proposal

In response to community concerns over landfill and waste management development in the Swanbank / New Chum industrial area, the Leader of the Opposition and Shadow Minister for Trade, Mrs Deborah Frecklington, moved a Parliamentary Motion (refer to **Annexure 8** for Hansard transcript) on 21 March 2018 calling on the government to call-in the BMI Proposal.

4. STATE INTERESTS

The department has undertaken the following assessment of the potential impacts to State interests from the current and expected proposals for Waste activities in the Swanbank/New Chum industrial area.

A "State interest" is defined as an interest that the Minister considers:

- affects an economic or environmental interest of the State or a part of the State; or
- affects the interest of ensuring that the Planning Act's purpose is achieved.

Under section 8(2) of the Planning Act, the State Planning Policy (SPP) dated July 2017 and the *South East Queensland Regional Plan 2017* (the Regional Plan) are state planning instruments which are made by the Minister to "protect or give effect to State interests".

The SPP has been considered and it is noted that:

- (a) Part E: State interest policies and assessment benchmarks, Planning for safety and resilience to hazards, Emissions and hazardous activities, page 48, relevantly states:

Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:

- *locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical, incorporating any required buffers within the site of the development*
- *ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to locate land uses*
- *designing incompatible developments to avoid or mitigate any potential impacts².*

- (b) Part E: State interest policies and assessment benchmarks, State interest - emissions and hazardous activities, policy (4), page 49, relevantly states:

"(4) Sensitive land uses are protected from the impacts of previous activities that may cause risk to people or property including:

- (a) former mining activities and related hazards (e.g. disused underground mines, tunnels and shafts)*
- (b) former landfill and refuse sites*
- (c) contaminated land."*

- (c) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, Liveable communities, page 25, relevantly states:

"The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing.

...

All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development."

- (d) Part E: State interest policies and assessment benchmarks, Planning for liveable communities and housing, State interest - Liveable communities, policy (3), page 26, relevantly states:

(3) Development is designed to:

- (a) value and nurture local landscape character and the natural environment*
- (b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity*
- (c) maintain or enhance opportunities for public access and use of the natural environment.*

- (e) The SPP identifies the state interest of Emissions and hazardous activities (pages 48 and 49).

- (f) This state interest specifically identifies that the protection of the health, safety and amenity of communities and the environment is a fundamental role of land use planning (page 48).

² Page 48, SPP, 3 July 2017.

(g) The SPP also specifically identifies the need to protect specified existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively. Waste management facilities are identified as a land use requiring protection (page 49).

(h) The SPP contains the following statements:

- (i) 'Some activities have the potential to cause nuisance to communities and other sensitive land uses through environmental emissions such as air, odour and noise pollution' (page 48)
- (ii) 'Other developments, such as those that involve hazardous materials, can pose an even greater risk to the health and safety of communities and individuals, and the natural and built environment' (page 48)
- (iii) 'Certain developments need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities. This can be achieved by:
 - A. locating the development or activity away from incompatible land uses (including sensitive land uses) and where practical incorporating any required buffers within the site of the development
 - B. ensuring development for an incompatible use does not encroach on land that is affected by the adverse impacts of hazardous and hard-to-locate land uses
 - C. designing incompatible developments to avoid or mitigate any potential impacts (page 48)
 - D. protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:.... (f) Waste management facilities' (page 49).

(i) The SPP also identifies the state interest of Liveable communities at page 25 which provides:

- (i) that liveable communities are of interest to the state as 'The liveability of communities concerns all levels of government as it directly influences our quality of life and wellbeing' (page 25)
- (ii) 'All levels of government and the private sector deliver a range of infrastructure and services to support communities, including education, health, emergency services, sporting facilities, communication networks, energy, waste management and water infrastructure. Integrated approaches to land use and infrastructure planning maximise the benefits of investment, support affordable and connected communities, and minimise the carbon footprint of urban development (page 25).

The Regional Plan has been considered and the following statements specifically in relation to the PDA are noted:

- (a) Goal 1 Grow states 'There is housing choice and sufficient land to accommodate the projected population and employment growth in an affordable and sustainable way to meet the community's changing lifestyle needs' (page 38), with Ripley Valley identified as a large residential expansion area
- (b) Sub-regional outcomes include Outcomes for Grow which seek 'to deliver new and more complete communities that are well-planned and serviced' (page 130), including in Ripley Valley which together with Springfield and Rosewood/Thagoona/Walloon 'will accommodate

the largest proportion of the sub-region's planned expansion ... These places will develop as new high-quality communities' (page 130)

- (c) Sub-regional outcomes include Outcomes for Live which seek to develop and promote great places which 'will support the sub region's liveability, prosperity, sense of identity and community' (page 136) and which includes Ripley, 'a vibrant new town centre that services the Ripley Valley master-planned community' (page 136).

The Regional Plan contains the following statements which relate specifically to the Swanbank / New Chum area:

- (a) The Swanbank/New Chum industrial area is identified in the Regional Plan as being within the South West Industrial Corridor REC. The Regional Plan states that 'Supported by significant state and national transport infrastructure, this well-established REC, which spans into the Metro sub-region, contains the most significant industrial cluster in the region' (page 132).
- (b) The Regional Plan identifies Swanbank as being a major enterprise and industrial area in the South West Industrial Corridor REC (page 61), and states that 'Major enterprise and industrial areas accommodate medium- and high-impact industries and other employment uses associated with, or with access to, state transport infrastructure. These areas are major drivers of economic growth. They are either significant in size or have the potential to expand to provide for industry and business activity clusters of regional and state significance' (page 58)
- (c) The Swanbank/New Chum industrial area is located within the Western sub-region which 'contains SEQ's major rural production and regional landscape areas, and is supported by the major cities of Ipswich and Toowoomba. These cities contain significant expansion areas, Regional Economic Clusters (RECs) and infrastructure connections of national significance (page 127)
- (d) Goal 2 Prosper states that 'Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities' (page 50) and that 'Maximising the region's traditional strengths and RECs will drive greater levels of local employment throughout SEQ' (page 50)
- (e) Strategy 1 of Element 2: Regional Economic Clusters is to 'Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity' (page 52).

The Department is satisfied there are numerous interests involved that meets the definition of State interest. In addition, given the existing development applications, and the potential for further development applications to be made for waste activities in the Swanbank/New Chum industrial area, coupled with the issues identified in section 3 above, the Department is satisfied that action should be taken to protect, or give effect to, those State interests.

5. PROPOSED TLPI – ASSESSMENT

Section 23 of the Planning Act states that a local government may make a TLPI if the local government and the Minister decide:

- a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
- b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
- c) the making of the TLPI would not adversely affect State interests.

The Mayor wrote to you on 2 March 2018 and the City Planner for the council wrote to the department on 6 March 2018, requesting intervention and assistance in regard to this matter. As at 29 March 2018, the council had not yet commenced the first step of rectifying this matter by resolving to either amend the planning scheme or to make a TLPI.

Under section 27 of the Planning Act, you as the Planning Minister, can determine to take action (under section 26(2) of the Planning Act) if you consider action should be taken to protect, or give effect to, a State interest; and the action must be taken urgently.

As a consequence of the council not commencing action to rectify the issues discussed in Section 3 above, the department recommends that you determine to make a TLPI.

A draft TLPI (the proposed TLPI) has been prepared for your consideration and the following assessment has been made against the proposed TLPI.

<p><i>(a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area</i></p>
<p>Based on the assessment of issues identified in Sections 3 and 4 above, there is a significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area:</p> <ul style="list-style-type: none"> • two significant landfill and waste management applications already received by the Council • the council expects a significant number (eight) of further landfill and waste management development applications to be made in the Swanbank/New Chum industrial area • the Lyons Report demonstrates an exponential increase in landfill and waste management coming to Queensland with approximately 50% of all waste disposed of in Queensland happening at Swanbank, New Chum and Willowbank • the Ipswich Planning Scheme is deficient in its consideration and assessment of landfill and waste management development applications; and ensuring the protection of residential and sensitive land uses from adverse impacts • the Swanbank/New Chum industrial area is identified as a major enterprise and industrial area in the South West Industrial Corridor REC in the Regional Plan • there has been significant social impact occurring as evident through the community concern being raised over the impacts of landfill and waste management activities in the Swanbank / New Chum industrial area: <ul style="list-style-type: none"> ○ widespread print and digital media coverage of the issue ○ town hall meeting where more than 400 community members attended ○ Parliamentary motion moving the government call in the BMI Proposal
<p><i>(b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk</i></p>
<p>Amending the planning scheme using sections 18 to 20 of the Planning Act would take a significant amount of time to complete (anywhere from nine months to three years) and the delay involved in completing this process would significantly increase the above risk, in particular that a number of development applications would be made to new and expanded landfill and waste activities in the Swanbank/New Chum industrial area.</p>
<p><i>(c) the making of the TLPI would not adversely affect State interests.</i></p>
<p>Having regard to the State Interest assessment above, the Department considers the proposed TLPI appropriately balances the economic and environmental State Interests that are at significant risk of being impacted by the current and expected waste activity proposals in the Swanbank/New Chum industrial area and does not adversely affect any State interests.</p>

Section 27 of the Planning Act—

Section 27 of the Planning Act provides that the Minister can take urgent action *to protect, or give effect to, a State interest.*

Council request for assistance

- The Mayor wrote to you on 2 March 2018 and the council emailed the department on 6 March 2018, requesting intervention and assistance in this matter
- As at 29 March 2018, the council had not yet commenced the first step of rectifying this matter by resolving to either amend the planning scheme or to make a TLPI
- Council has identified that in addition to the 2 development applications that have already recently been made for landfill and waste disposal activities, a further 8 applications are anticipated in the Swanbank/New Chum industrial area.

Complex and competing state interests

- Under the Planning Act, the council cannot make a TLPI where it adversely affects a State interest
- Under the Planning Act, you as the Minister for Planning, cannot approve the making of a TLPI where it adversely affects a State interest
- The issues discussed in Section 3 above and the State interests identified in Section 4 above, involve highly complex and competing State interests including:
 - the protection of the health, safety and amenity of communities and the environment
 - the identification and importance of the Swanbank/New Chum industrial area as a major enterprise and industrial area

Time required for the council to make a TLPI

- Should the council propose to make a TLPI it must first resolve (at full council) to do so. This has not yet occurred.
- The council then submits the TLPI for your consideration and decision
- Should the council prepare a TLPI that you decide adversely affects a State interest, it would be required to amend and resubmit the proposed TLPI for your consideration and decision
- If and when, the council receives your approval to adopt the TLPI it must resolve to adopt it (noting the council can request your approval for an earlier commencement date)
- Given the complex and competing State interests, it is considered that any proposed TLPI prepared by the council may result in an adverse effect on one or more State interests
- Given that the Council has not yet commenced the formal steps to make a TLPI, and there is the potential for the making of a TLPI to be further delayed where State interests are adversely affected, it is considered likely that there is a real risk of further development applications being made prior to appropriate amendments to the planning scheme commencing, or a council-initiated TLPI taking effect.

It is therefore recommended that you take urgent action under Section 27 of the Planning Act to protect, or give effect to, a State interest.

6. PROPOSED TLPI – PURPOSE AND EFFECT

The Department has prepared a proposed TLPI and considers it appropriately addresses potential conflicts between competing State interests (being to ensure community health and safety, and the natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities; and the balancing of economic interests of a major enterprise and industrial

area).

The Swanbank / New Chum industrial area has seen an increase in composting. Due to the potential for health impacts, biological air pollution (bioaerosols) from composting facilities have become a cause of increasing concern across many communities (not just Swanbank / New Chum). The department is of the view that estimating bioaerosol exposure is problematic due to limitations in current monitoring methods, model inputs and the complexity of the emission sources.

The department holds strong concerns regarding existing composting activities within the Swanbank / New Chum industrial area. Further investigation is required to form a policy position on this specific land use within this location. The department is of the view that the council is best placed to conduct this investigation whilst amending its planning scheme in response to the TLPI.

Given the Swanbank / New Chum industrial area is surrounded by an existing and growing urban environment, it is recommended that applications for new or expanded composting activities (that are exposed to the air) are not supported within the TLPI; and that the council be encouraged to investigate this matter when amending the planning scheme in response to the TLPI.

Detail on the proposed TLPI purpose and effect is detailed below.

Purpose of the TLPI

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; and to ensure waste activities are appropriately located to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities whilst allowing regionally significant economic activity to continue.

To achieve this purpose, the TLPI—

- (a) includes Strategic Outcomes for the local government area:
 - (i) Waste Activity Uses involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (ii) Waste Activity Uses involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area; and
 - (iii) Waste Activity Uses involving “Compost Manufacturing Unenclosed” do not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area.
- (b) includes definitions of:
 - (i) “Clean Earthen Material”.
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Rehabilitating a mining void”; and
 - (vi) “Waste Activity Use”;
- (c) includes three waste activity regulation areas:
 - (i) “Swanbank / New Chum Buffer Area”;
 - (ii) “Swanbank / New Chum Medium Impact Waste Area”; and
 - (iii) “Swanbank / New Chum High Impact Waste Area”.
- (d) prescribes the level of assessment and assessment criteria for “Waste Activity Uses”; and
- (e) includes a land use code, being the “Swanbank / New Chum Waste Activity Code”.

Policy Intent of the TLPI

The overall policy intent for the TLPI includes:

- (a) Applications involving new or expanded waste activities that are inconsistent with the outcomes sought by the Swanbank / New Chum Waste Activity Code, constitute undesirable development and are unlikely to be approved.
- (b) Waste Activity Uses:
 - (i) do not have a detrimental impact on the amenity of sensitive land uses, particularly existing, approved or planned residential areas or other sensitive receiving uses; and
 - (ii) do not have a significant impact on visual amenity from sensitive receiving uses; and
 - (iii) do not have a detrimental impact on the environment; and
 - (iv) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (v) achieve appropriate rehabilitation outcomes for land affected by former mining activities.

The specific policy intent for the TLPI includes:

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occur only in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity Use involving “Landfill” or “Compost Manufacturing Enclosed” occur only in the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (3) The use of a premises for a Waste Activity Use involving “Compost Manufacturing Unenclosed” does not occur in the Swanbank / New Chum Buffer Area, the Swanbank / New Chum Medium Impact Waste Area or the Swanbank / New Chum High Impact Waste Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (4) Waste Activity Uses achieve appropriate rehabilitation outcomes for land affected by former mining activities that:
 - (a) add to a network of green spaces, environmental corridors and active and passive recreation areas; and
 - (b) do not prejudice or compromise the future rehabilitation, use, repair or maintenance of the land; and
 - (c) includes appropriate landscaping and revegetation strategies appropriate for the long-term use of the rehabilitated land.
- (5) Filling and earthworks associated with Waste Activity Uses:
 - (a) do not extend beyond the top of former mining voids, except for approved minor contouring, that improves stormwater management and drainage outcomes; and
 - (b) avoids the creation of landscapes that extend significantly beyond the predominant level of the surrounding topography.

- (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 stormwater runoff, and where possible, improves the quality of nearby surface and ground water; and
 - (d) does not adversely affect stormwater management and where possible, improves the management of the catchment.
- (7) Waste Activity Uses are designed, operated and maintained so that:
- (a) no nuisance or disturbance is caused to the amenity of surrounding and nearby residential and other sensitive land uses; and
 - (b) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to nearby sensitive receivers; and
 - (c) the generation of noise or light overspill do not cause nuisance or disturbance to nearby sensitive receivers.

Effect of the TLPI

The TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

The assessment benchmarks under the TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(1)
- (b) Attachment B: the “Swanbank / New Chum Waste Activity Use Code”; and
- (c) Attachment C: Table 1 - Table of Assessment and Relevant Assessment Criteria.

Further, the Strategic Outcomes set out in Part 3.2(1) of the TLPI affect and apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) in the Planning Scheme.

Additional definitions have been included:

“Clean Earthen Material” means–

- (a) bricks, pavers, ceramics or concrete that does not contain embedded steel reinforcing rods, and no piece has any dimension of more than 100mm; or
- (b) clean earth that has trace elements and contaminant levels within the interim ecologically-based investigation levels for urban land use under the document ‘Schedule B(1) – Guidelines on the Investigation of Soil and Groundwater’, forming part of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

“Compost Manufacturing Enclosed” means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

“Compost Manufacturing Unenclosed” means–

- (a) storing, processing, disposal, drying or composting of organic material or wastes e.g. animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers, in works processing 200 tonnes or more a year; or
- (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste including animal manures, sewage, septic sludges and domestic waste, in works producing more than 200 tonnes per year; and
- (c) is not conducted in a fully enclosed building which controls the composting process and contains and treats emissions.

“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.

“Rehabilitating a mining void” means–

- (a) the filling of a mining void involving only ‘clean earthen material’

“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”.

RTI RELEASE - DSD/IG

From: [Redacted]
To: [Redacted]
Subject: FW: Ipswich TLPI draft
Date: Friday, 26 November 2021 5:05:00 PM
Attachments: [Redraft TLPI copy for review.docx](#)
[Re-worded context section.docx](#)
[image001.png](#)
[image003.png](#)
[image002.png](#)
[image004.png](#)
[image007.png](#)
[image008.png](#)
[image013.png](#)
[image014.png](#)

[Redacted]
A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [Redacted]
Sent: Friday, 26 November 2021 3:14 PM

[Redacted]
Subject: RE: Ipswich TLPI draft

Hi [Redacted]

Please see attached version with my comments.

I also had a go at re-drafting the context and planning challenge sections as I found it a bit of a struggle to get comprehend at times.

Happy to discuss further if you have any questions or concerns around my comments. Hopefully you are able to see them....

Cheers

[Redacted]

Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) - Disclosing
personal information
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

DSDILGP

From:

[Redacted]

Sent: Friday, 26 November 2021 9:44 AM

[Redacted]

Subject: Ipswich TLPI draft

Hi

[Redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards

[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

RTI REVIEW

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

RTI RELEASE - DSDIL GP

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

- 1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.
- 1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

The Planning Challenge

- 1.5. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure1: TLPI Boundary).
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
 - (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) facilitate and manage the restoration of areas affected by past mining operations;
 - (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 3.2. To achieve this purpose, the TLPI—
 - (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

- (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.
- (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - (iv) Energy from Waste Facility;
 - (v) Landfill;
 - (vi) Void;
 - (vii) Resource Recovery Facility;
 - (viii) Restoring a Void; and
 - (ix) Waste Activity.
- (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the “Resource Recovery and Waste Activity Code”.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

Figures 1 – 3.

PART 6 – EFFECT OF THE TLPI

- 6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessable development.

6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.

6.3. The TLPI suspends the following sections

6.4. The assessment benchmarks under this TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(b)
- (b) **Attachment A:** the “Resource Recovery and Waste Activity Code”; and
- (c) **Attachment B:** Table 1 - Table of Assessment and Relevant Assessment Criteria.
- (d) The Planning Scheme (unless stated otherwise)

6.5. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.

6.6. This TLPI includes definitions as set out below in Attachment C.

6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

ATTACHMENT A: Resource Recovery and Waste Activity Code

1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with section 3 constitutes undesirable development and is unlikely to be approved.

2. Purpose and Overall Outcomes of the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are :
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities for the Swanbank/New Chum Regulation Area;
 - (ii) adequately protected from adverse impacts resulting from or associated with Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
 - (iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) environmental values are protected;
 - (ii) identified green and open space areas are protected;
 - (iii) do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (iv) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and
 - (v) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and
 - (vi) achieve appropriate rehabilitation outcomes for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Swanbank/New Chum Regulated Buffer Area and is carried out so that Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Swanbank/New Chum Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:
 - (i) all Waste Activities other than Resource Recovery Facilities do not occur in the

- Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
 - (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
 - (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
 - (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
 - (e) Energy from Waste Facilities within the TLPI Boundary:
 - (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.
 - (f) extension or expansion of a lawfully existing waste facility or premises results in:
 - (i) reasonable management of the extent and intensity of adverse off-site impacts by improving operations;
 - (ii) improvements to the management of adverse off-site impacts;
 - (iii) improved environmental performance;
 - (g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
 - (h) New or expanded Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Table 3.1: Application of Specific Outcomes

Column 1 Relevant provision of the code	Column 2 Development
Swanbank/New Chum Regulation Area	
SO1 – SO4	All development
Ebenezer/Willowbank Regulation Area	
SO5 – SO7	All development

Column 1 Relevant provision of the code	Column 2 Development
Waste Activities	
SO8 – SO10	All Waste Activities
Filling and excavation	
SO11 – SO12	All development
Landscaping and visual amenity	
SO13	All development
Stormwater and groundwater management	
SO14 – SO15	All development

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The combined use of premises for Restoring a Void and for Waste Activities: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space;	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(e) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (f) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street. (g)	
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.	No probable solution provided
(6) The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) protects and enhances existing environmental values; (c) improves and adds to identified green space and open space; (d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Waste Activities	
(7) New, changed or expanded Waste Activities involving Landfill: (a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.	No probable solution provided
(8) The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 10km from a Sensitive Receiving Use.	No probable solution provided
(9) The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size,	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
scale, and intensity consistent with the intended or planned development for the area.	
Filling and earthworks	
(10) Filling and earthworks associated with Waste Activities: (a) for Landfill, prioritises use of materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) ensure that fill materials are compacted to the maximum extent possible.	No probable solution provided
(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it: (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.	No probable solution provided
Landscaping and visual amenity	
(12) Waste Activities or Restoring a Void are designed and managed to: (a) establish and maintain native vegetation buffers to reduce adverse impacts on any Sensitive Receiving Use, riparian corridors or green space and open space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance. (c)	No probable solution provided
Stormwater and groundwater management	
(13) Waste Activities or Restoring a Mining Void are designed, operated and maintained to:	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (b) not result in any increase in contaminant loads in the receiving environment on or off the premises; (c) where possible, improve the quality of runoff to nearby surface and ground water; (d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and (g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems. 	
<p>(14) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are implemented.</p>	

RTI RELEASE - DSDIL GP

ATTACHMENT B: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT C: DEFINITIONS

- 8.1 “**Clean Earth**” means—
- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

- 8.2 “**Compost Manufacturing Enclosed**” means—
- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - (c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 “**Compost Manufacturing Unenclosed**” means—
- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - (c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
- (b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- (c) organic waste.

organic waste—

- (a) includes the following—
 - (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - (ii) animal manure;
 - (iii) biosolids;
 - (iv) cardboard and paper waste;
 - (v) fish processing waste;
 - (vi) food and food processing waste;
 - (vii) grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

(a) *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- (b) the storing of waste materials

8.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).

8.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

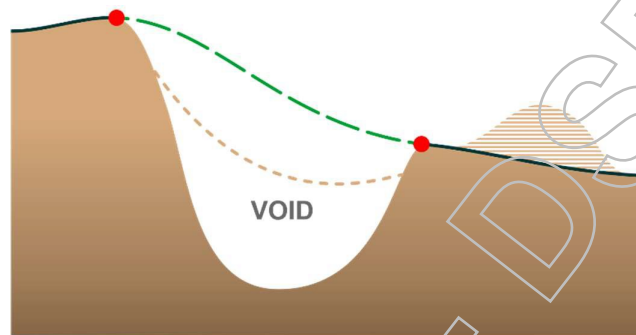
8.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.8 **“Regulated Buffer Area** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

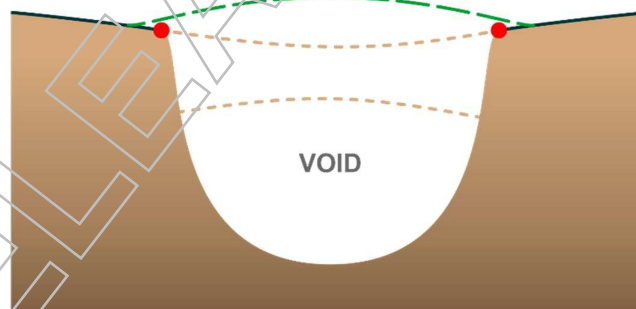
8.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

- 8.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.
- 8.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).
- 8.12 **“Top of a Void”** means—
- (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



- Natural Ground Level
- Earth
- Top of Void
- Finished Surface Level Supported
- Finished Surface Level Not Supported
- ▨ Overburden



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means—
- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- (a) the use of premises for:
- (i) “Compost Manufacturing Enclosed”;
 - (ii) “Compost Manufacturing Unenclosed”;
 - (iii) Energy from Waste facility

- (iv) "Landfill";
 - (v) "Resource Recovery Facility"; and
- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

GP

FIGURE 1: TLPI BOUNDARY

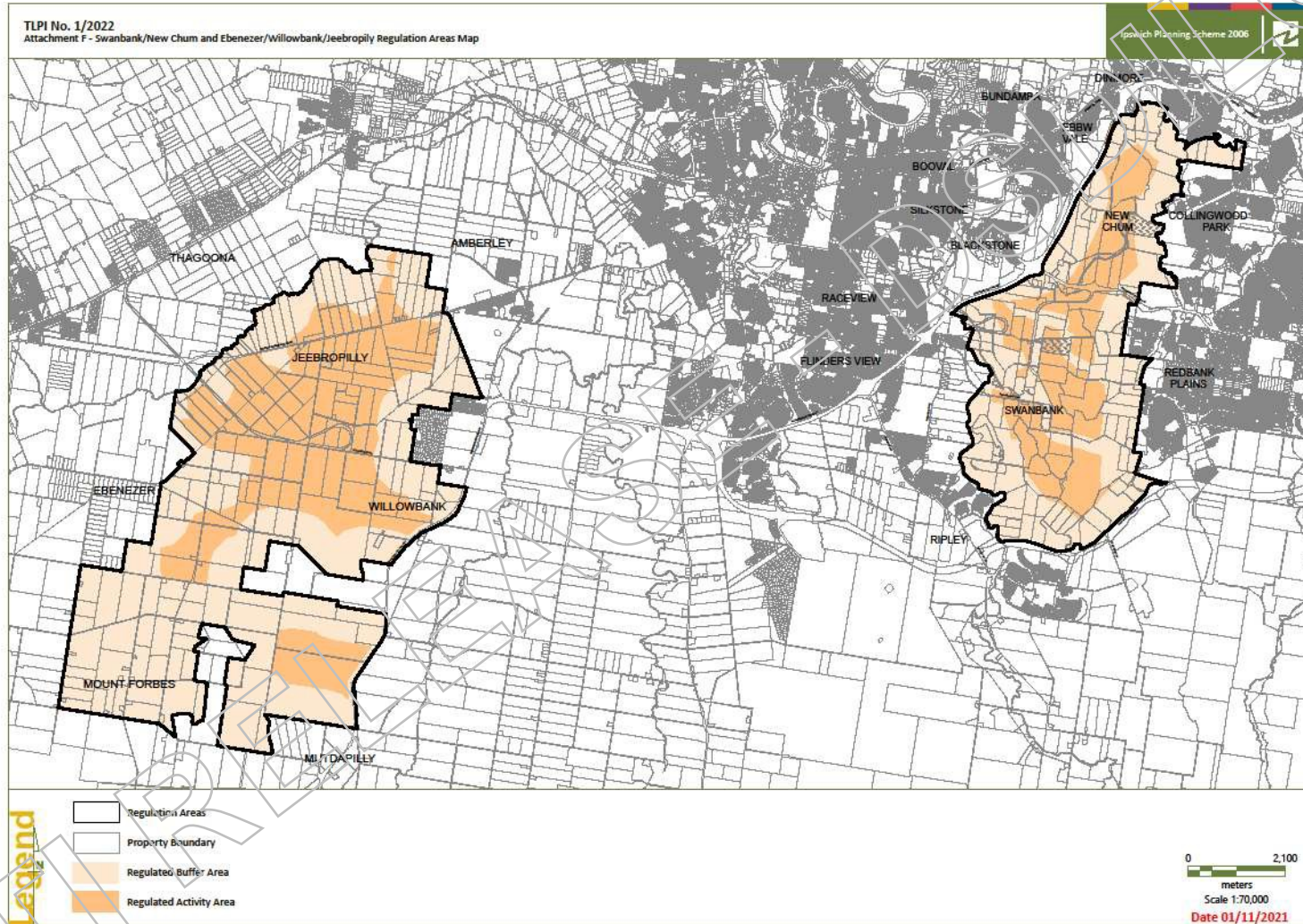


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

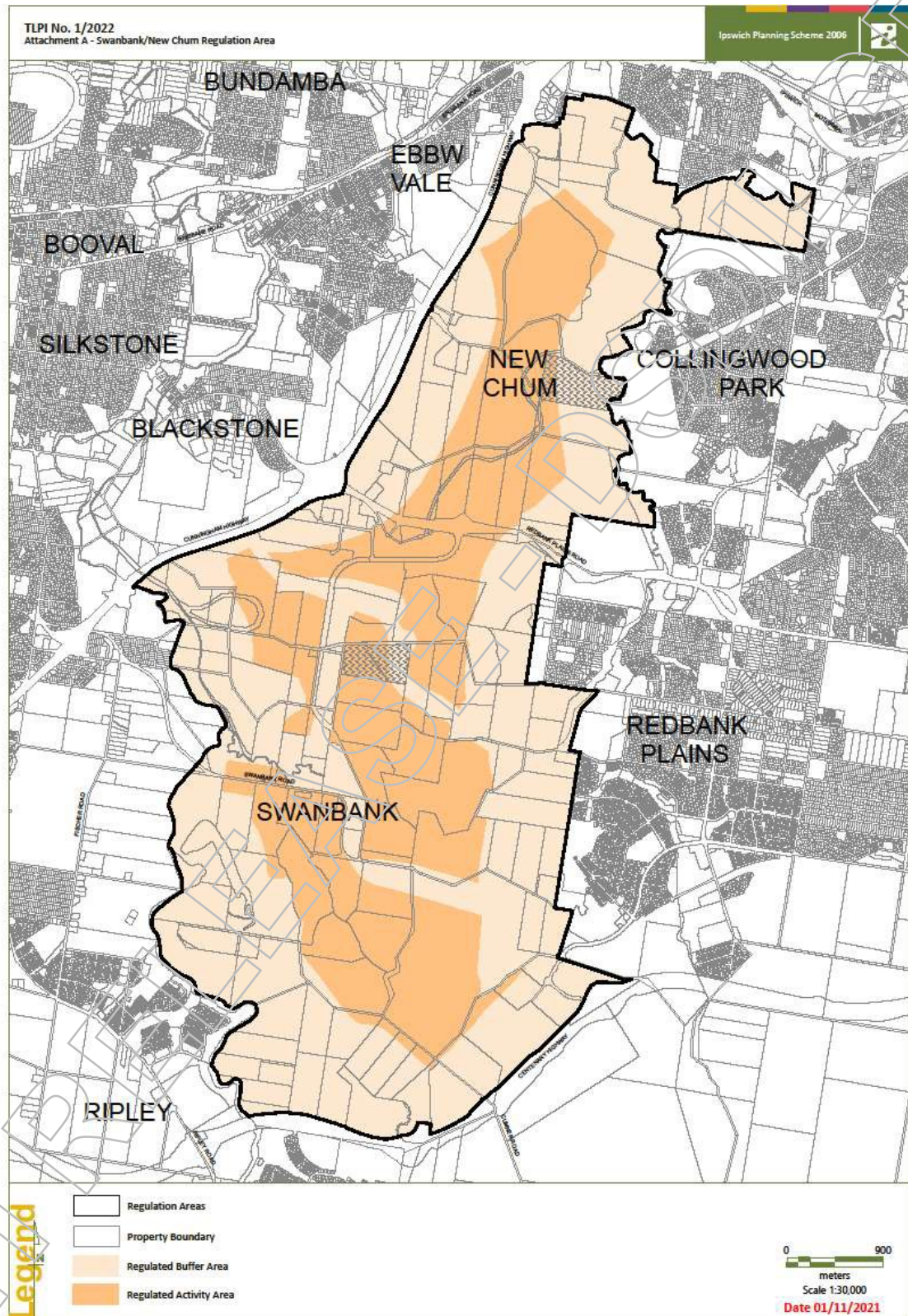
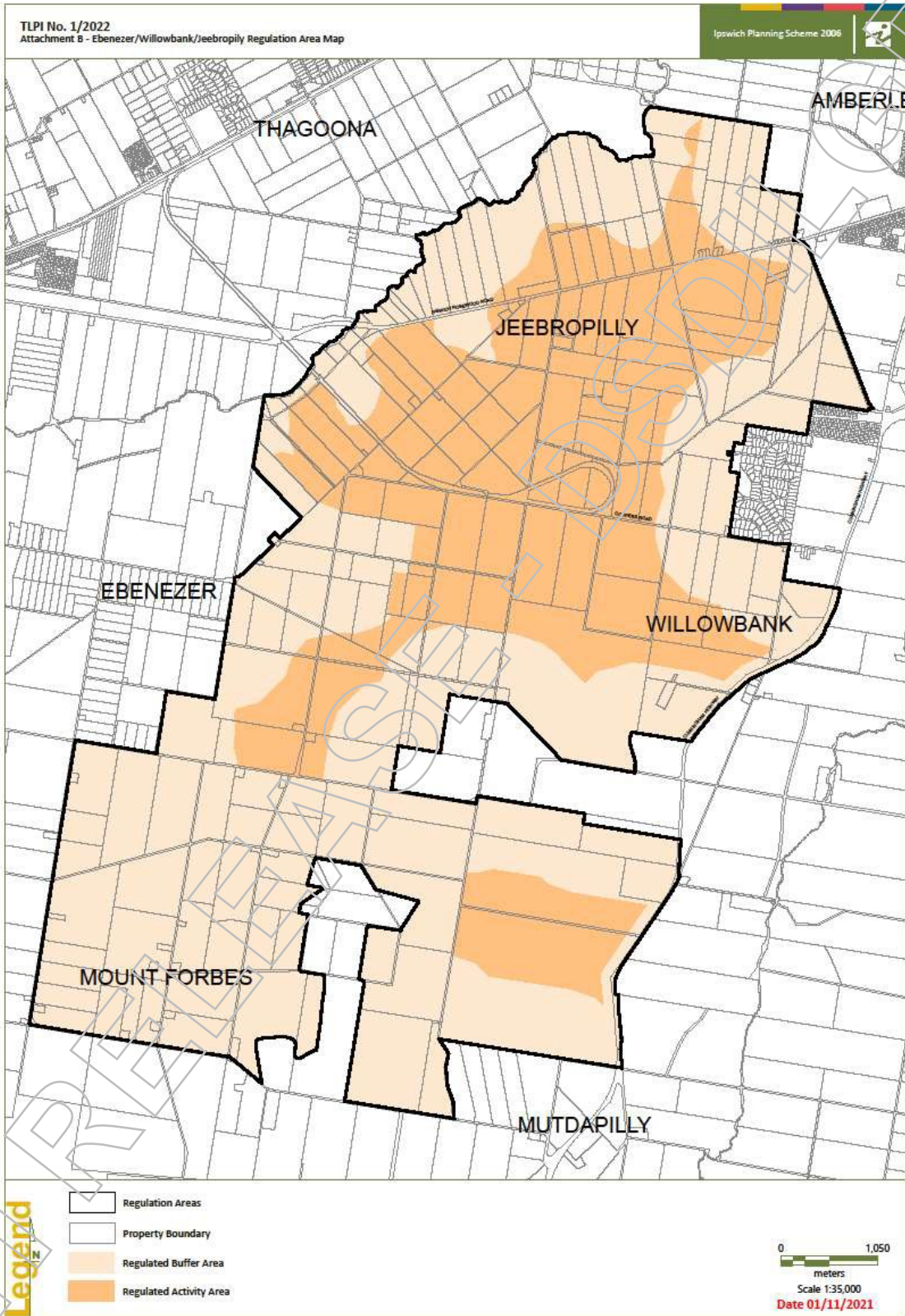


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



1.1. In 2018 the first of a series of TLPI's addressing emerging and urgent waste issues in Ipswich commenced. These earlier TLPI's refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

Commented [DH1]: prior to the first TLPI's? Might be better to say "these earlier TLPI's..."

1.2. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future'. This shift to a "zero waste future" is demonstrated through the adoption of the waste hierarchy. Importantly, the change in policy approach coincides with changes in community attitudes towards waste reduction, re-use, recycling and disposal, and protection of the environment.

This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich. In particular, the TLPI provides a framework to support these policy advancements for new and emerging technologies and industries, whilst also providing direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [DH2]:

1.3. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. Accordingly, these activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered. The TLPI seeks to address the current gap in the regulatory framework as it relates to the management of waste.

Commented [DH3]: This is a long sentence. Suggest breaking up.

Commented [KH4]: New section included to address energy from waste challenge

2. The Planning Challenge

2.1. It is critical that the challenges posed by waste activities in Ipswich are addressed. In the regard, this TLPI is an interim measure to provide for policy advancements pending the preparation of the new Ipswich Planning Scheme. It is anticipated that the policy content of this TLPI will inform the development of provisions within the new Ipswich Planning Scheme which will form a more considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 5:08 PM
To: [Redacted]
Subject: FW: Ipswich TLPI draft
Attachments: Redraft TLPI copy for review.docx; Re-worded context section.docx

FYI



[Redacted]

A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing
personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Friday, 26 November 2021 3:14 PM

[Redacted]

Subject: RE: Ipswich TLPI draft

Hi [Redacted]

Please see attached version with my comments.

I also had a go at re-drafting the context and planning challenge sections as I found it a bit of a struggle to get comprehend at times.

Happy to discuss further if you have any questions or concerns around my comments. Hopefully you are able to see them....

Cheers



[Redacted]

Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – **meet now**

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*

DSDILGP

From: [Redacted]

Sent: Friday, 26 November 2021 9:44 AM

[Redacted]

Subject: Ipswich TLPI draft

Hi [Redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDILGP

1.1. In 2018 the first of a series of TLPI's addressing emerging and urgent waste issues in Ipswich commenced. These earlier TLPI's refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPI's commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPI's coincided with the commencement of work on a new planning scheme for Ipswich.

Commented [DH1]: prior to the first TLPI's? Might be better to say "these earlier TLPI's..."

1.2. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future'. This shift to a "zero waste future" is demonstrated through the adoption of the waste hierarchy. Importantly, the change in policy approach coincides with changes in community attitudes towards waste reduction, re-use, recycling and disposal, and protection of the environment.

This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich. In particular, the TLPI provides a framework to support these policy advancements for new and emerging technologies and industries, whilst also providing direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [DH2]:

Commented [DH3]: This is a long sentence. Suggest breaking up.

1.3. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. Accordingly, these activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered. The TLPI seeks to address the current gap in the regulatory framework as it relates to the management of waste.

Commented [KH4]: New section included to address energy from waste challenge

2. The Planning Challenge

2.1. It is critical that the challenges posed by waste activities in Ipswich are addressed. In the regard, this TLPI is an interim measure to provide for policy advancements pending the preparation of the new Ipswich Planning Scheme. It is anticipated that the policy content of this TLPI will inform the development of provisions within the new Ipswich Planning Scheme which will form a more considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

- 1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.
- 1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich who are concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

The Planning Challenge

- 1.5. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure1: TLPI Boundary).
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
 - (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) facilitate and manage the restoration of areas affected by past mining operations;
 - (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 3.2. To achieve this purpose, the TLPI—
 - (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

- (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.
- (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - (iv) Energy from Waste Facility;
 - (v) Landfill;
 - (vi) Void;
 - (vii) Resource Recovery Facility;
 - (viii) Restoring a Void; and
 - (ix) Waste Activity.
- (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the “Resource Recovery and Waste Activity Code”.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the Planning Act, or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

Figures 1 – 3.

PART 6 – EFFECT OF THE TLPI

- 6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessable development.

6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.

6.3. The TLPI suspends the following sections

6.4. The assessment benchmarks under this TLPI are:

- (a) the Strategic Outcomes set out in Part 3.2(b)
- (b) **Attachment A:** the “Resource Recovery and Waste Activity Code”; and
- (c) **Attachment B:** Table 1 - Table of Assessment and Relevant Assessment Criteria.
- (d) The Planning Scheme (unless stated otherwise)

6.5. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.

6.6. This TLPI includes definitions as set out below in Attachment C.

6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

ATTACHMENT A: Resource Recovery and Waste Activity Code

1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with section 3 constitutes undesirable development and is unlikely to be approved.

2. Purpose and Overall Outcomes of the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are :
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities for the Swanbank/New Chum Regulation Area,
 - (ii) adequately protected from adverse impacts resulting from or associated with Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
 - (iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.
 - (b) Regionally Significant Business Enterprise and industry Areas within the TLPI Boundary are developed such that:
 - (i) environmental values are protected;
 - (ii) identified green and open space areas are protected;
 - (iii) do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses; and
 - (iv) do not have a significant impact on visual amenity from residential and other sensitive receiving uses; and
 - (v) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other sensitive receiving uses; and
 - (vi) achieve appropriate rehabilitation outcomes for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Swanbank/New Chum Regulated Buffer Area and is carried out so that Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Swanbank/New Chum Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:
 - (i) all Waste Activities other than Resource Recovery Facilities do not occur in the

- Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
 - (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
 - (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
 - (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
 - (e) Energy from Waste Facilities within the TLPI Boundary:
 - (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.
 - (f) extension or expansion of a lawfully existing waste facility or premises results in:
 - (i) reasonable management of the extent and intensity of adverse off-site impacts by improving operations;
 - (ii) improvements to the management of adverse off-site impacts;
 - (iii) improved environmental performance;
 - (g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
 - (h) New or expanded Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Table 3.1: Application of Specific Outcomes

Column 1 Relevant provision of the code	Column 2 Development
Swanbank/New Chum Regulation Area	
SO1 – SO4	All development
Ebenezer/Willowbank Regulation Area	
SO5 – SO7	All development

TLPI No. 1 / 2022

Page 9 of 19

Column 1 Relevant provision of the code	Column 2 Development
Waste Activities	
SO8 – SO10	All Waste Activities
Filling and excavation	
SO11 – SO12	All development
Landscaping and visual amenity	
SO13	All development
Stormwater and groundwater management	
SO14 – SO15	All development

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The combined use of premises for Restoring a Void and for Waste Activities: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space;	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(e) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (f) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street. (g)	
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.	No probable solution provided
(6) The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) protects and enhances existing environmental values; (c) improves and adds to identified green space and open space; (d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Waste Activities	
(7) New, changed or expanded Waste Activities involving Landfill: (a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.	No probable solution provided
(8) The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 10km from a Sensitive Receiving Use.	No probable solution provided
(9) The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size,	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
scale, and intensity consistent with the intended or planned development for the area.	
Filling and earthworks	
(10) Filling and earthworks associated with Waste Activities: (a) for Landfill, prioritises use of materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) ensure that fill materials are compacted to the maximum extent possible.	No probable solution provided
(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it: (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.	No probable solution provided
Landscaping and visual amenity	
(12) Waste Activities or Restoring a Void are designed and managed to: (a) establish and maintain native vegetation buffers to reduce adverse impacts on any Sensitive Receiving Use, riparian corridors or green space and open space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance. (c)	No probable solution provided
Stormwater and groundwater management	
(13) Waste Activities or Restoring a Mining Void are designed, operated and maintained to:	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (b) not result in any increase in contaminant loads in the receiving environment on or off the premises; (c) where possible, improve the quality of runoff to nearby surface and ground water; (d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and (g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems. 	
<p>(14) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are implemented.</p>	

RTI RELEASE - DSDILGP

ATTACHMENT B: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT C: DEFINITIONS

8.1 “**Clean Earth**” means—

- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

8.2 “**Compost Manufacturing Enclosed**” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

8.3 “**Compost Manufacturing Unenclosed**” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) *animal matter, including, for example, dead animals, animal remains and animal excreta; or*
(b) *plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or*
(c) *organic waste.*

organic waste—

- (a) *includes the following—*
(i) *a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;*
(ii) *animal manure;*
(iii) *biosolids;*
(iv) *cardboard and paper waste;*
(v) *fish processing waste;*
(vi) *food and food processing waste;*
(vii) *grease trap waste;*

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

(a) *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- (b) the storing of waste materials

8.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).

8.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

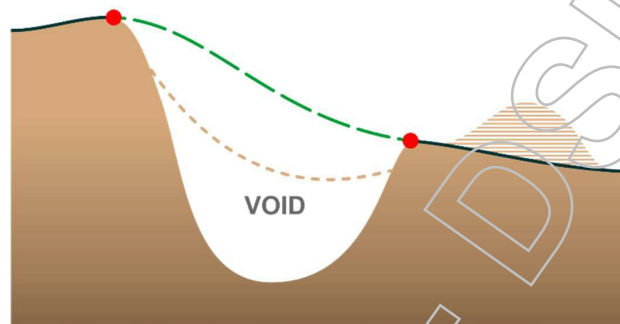
8.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.8 **“Regulated Buffer Area** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

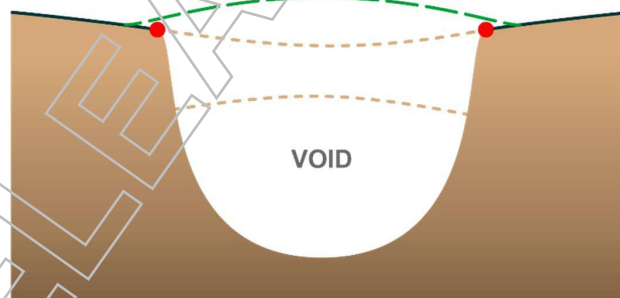
8.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

- 8.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.
- 8.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).
- 8.12 **“Top of a Void”** means—
- (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



- Natural Ground Level
- Earth
- Top of Void
- - - Finished Surface Level Supported
- - - Finished Surface Level Not Supported
- ▨ Overburden



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means—
- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- (a) the use of premises for:
 - (i) “Compost Manufacturing Enclosed”;
 - (ii) “Compost Manufacturing Unenclosed”;
 - (iii) Energy from Waste facility

- (iv) "Landfill";
 - (v) "Resource Recovery Facility"; and
- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

FIGURE 1: TLPI BOUNDARY

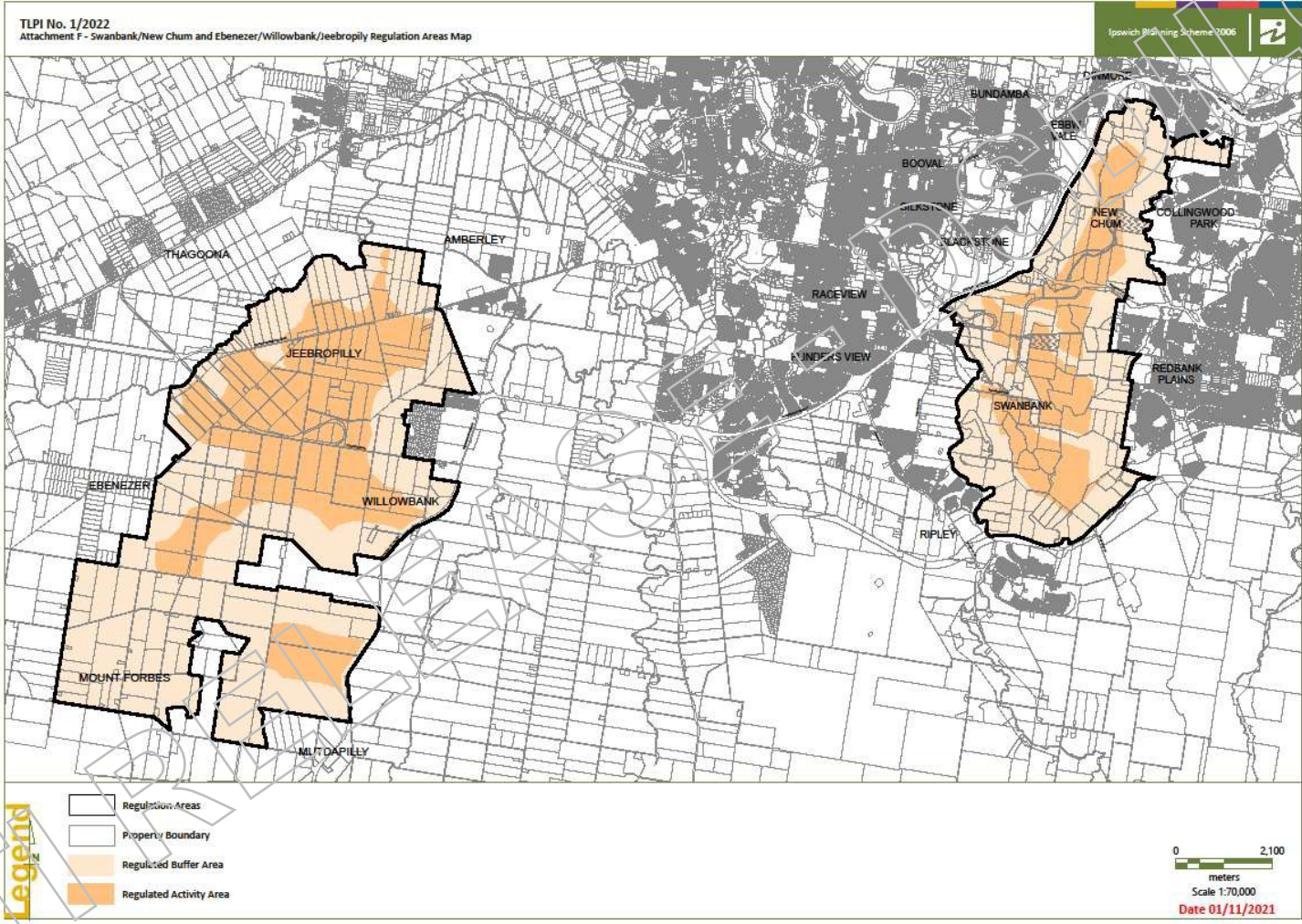


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

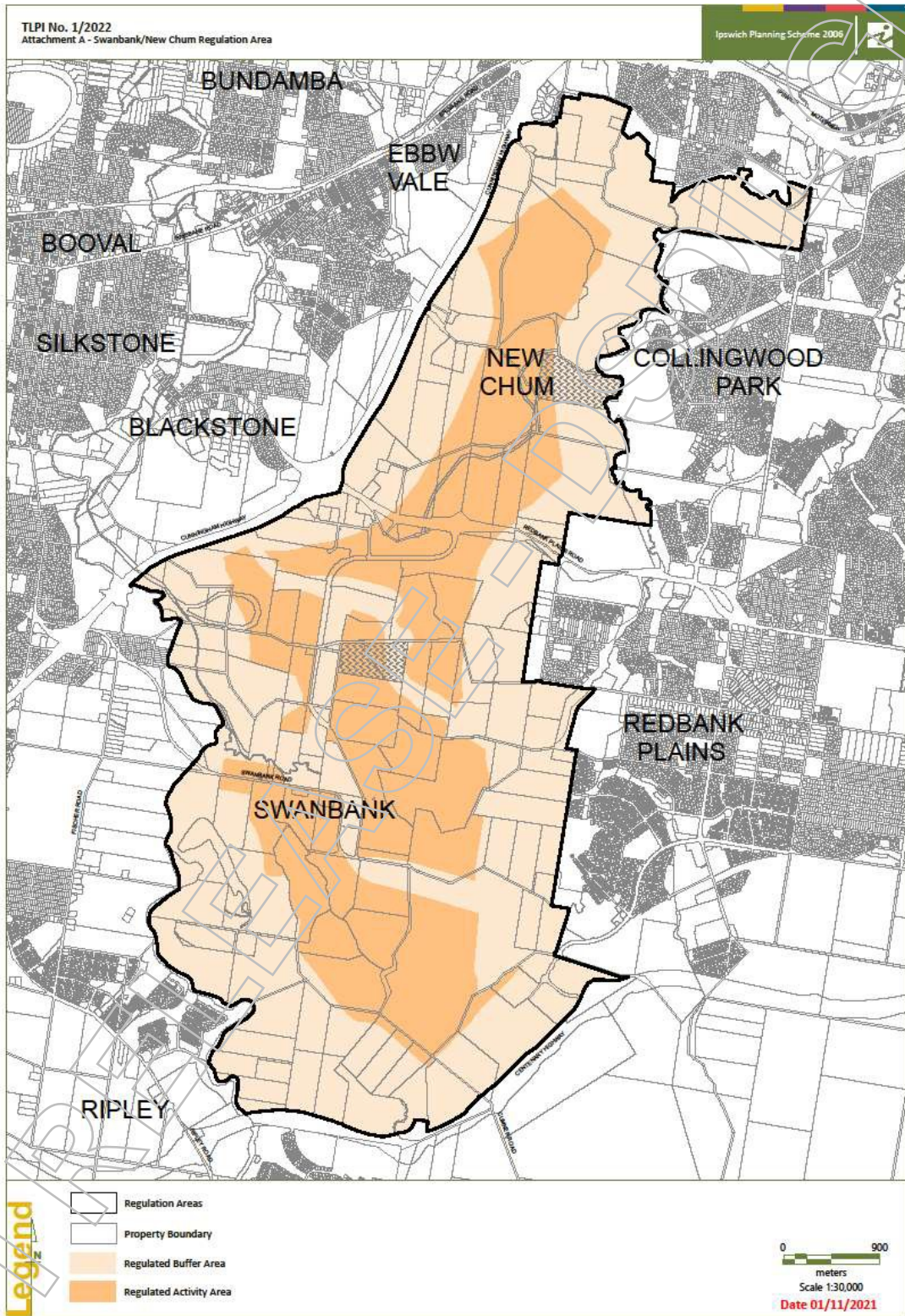
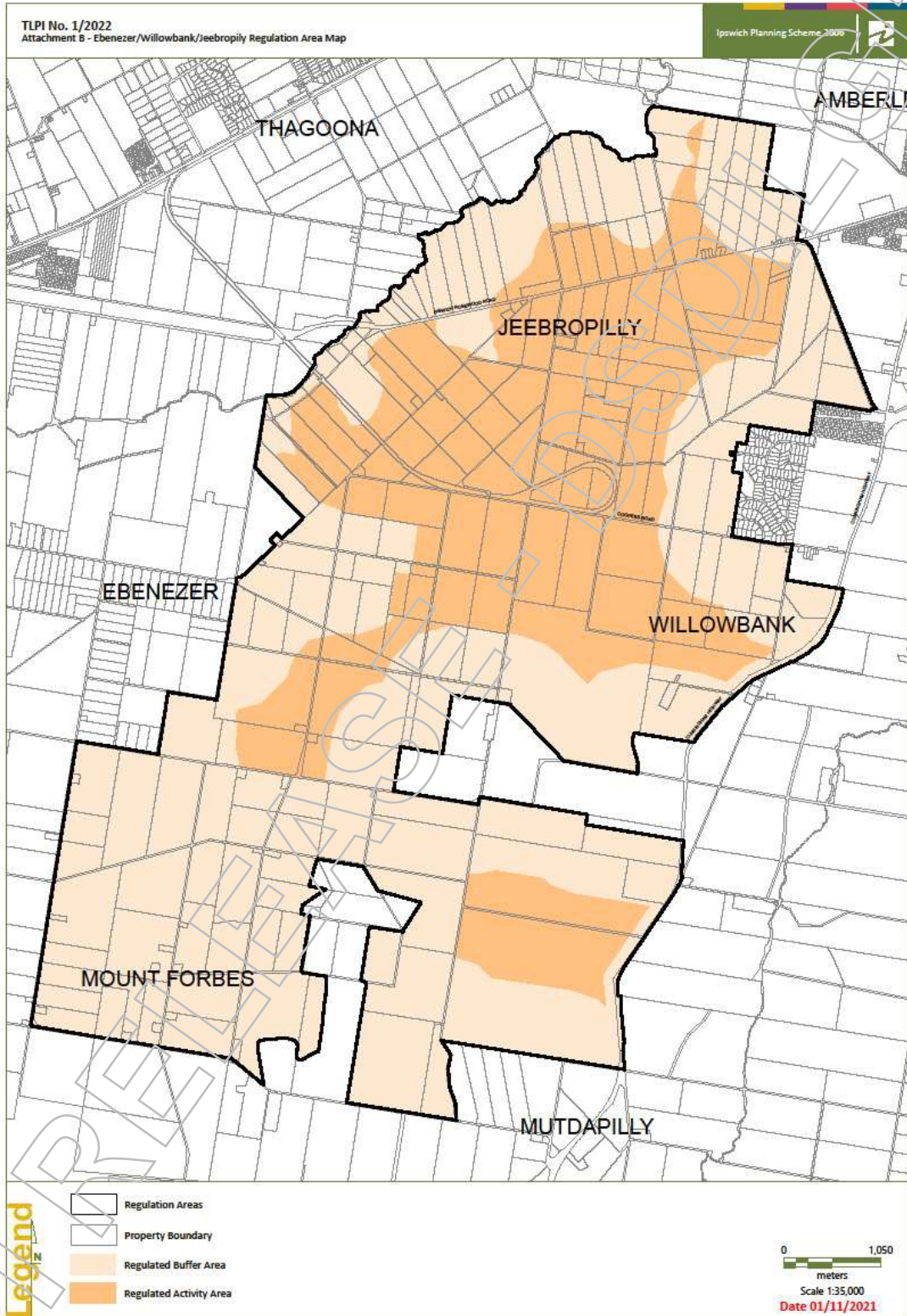


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



From:
To:
Subject: Re: Ipswich TLPI draft
Date: Friday, 26 November 2021 5:08:25 PM
Attachments: [image002.png](#)
[image004.png](#)
[image007.png](#)
[image008.png](#)
[image013.png](#)
[image014.png](#)

Thanks

Get [Outlook for iOS](#)

From:
Sent: Friday, November 26, 2021 5:08:02 PM
To:
Subject: FW: Ipswich TLPI draft

FYI



**Queensland
Government**

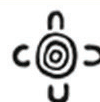
A/Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From:
Sent: Friday, 26 November 2021 3:14 PM

Subject: RE: Ipswich TLPI draft

Hi

Please see attached version with my comments.

I also had a go at re-drafting the context and planning challenge sections as I found it a bit of a struggle to get comprehend at times.

Happy to discuss further if you have any questions or concerns around my comments. Hopefully you are able to see them....

Cheers



[Redacted]

Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

Follow us

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.

From [Redacted]

Sent: Friday, 26 November 2021 9:44 AM

[Redacted]

Subject: Ipswich TLPI draft

Hi [Redacted]

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We

need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



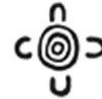
Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASED

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: ICC - TLPI update
Date: Friday, 26 November 2021 5:35:00 PM
Attachments: [image001.png](#)
[image003.png](#)
[Detailed comparison table 26-11-2021.docx](#)
[Draft DP Decision Brief 26-11-2021.DOCX](#)
[Draft TLPI 26-11-2021.docx](#)
[image005.png](#)
[image006.png](#)

Hi [Redacted]

Just a quick update on the TLPI progress. Attached is:

- Draft decision brief
- Draft TLPI
- Comparison table.

I'm working through adding rationale to the draft TLPI to be provided to ICC on Monday and tweaks to the PAR and letter to council.

The attached docs. will be updated to reflect any changes.

The meeting with ICC is scheduled for 10am Monday and legal services brief on the package that will be provided to them on Monday.

Thanks

[Redacted]

[Redacted]

Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EfW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EfW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EfW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EfW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI'S VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EfW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EfW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI'S VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
Defines Waste Activity and the various uses regulated by the TLPI.	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	Amended (supports expanded policy intent)	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
NA – does not address Energy from Waste	NA - does not address Energy from Waste	Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>New definition of enclosed and unenclosed composting simplified from the existing definition</p> <p>Additional provisions included to define certain terms (e.g. anaerobic digestion).</p> <p>Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).</p>	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

SUBJECT Intention to make Temporary Local Planning Instrument (TLPI) No. 1 of 2022 (Resource Recovery and Waste Activity Regulation) (the proposed TLPI)

<p>Note: This brief is considered draft until signed.</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Not approved</p> <p><input type="checkbox"/> Noted</p> <p><input type="checkbox"/> Further information required (see comments)</p>	<p>Signed..... Date...../...../.....</p> <p>Hon. Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning Minister Assisting the Premier on Olympics Infrastructure</p> <p>Comments:</p>
--	--

RECOMMENDATION

It is recommended that you:

- **note** that on 18 November 2021, Ipswich City Council (the council) resolved to make a TLPI to regulate waste activities within the areas of Swanbank/ New Chum and the Ebenezer/ Willowbank/ Jeebropilly
- **note** that there are two existing TLPIs that regulate waste activities and given the pending expiry of the existing TLPIs, there is a need to continue interim controls for waste activities until the council resolves its new planning scheme, which is not expected to be until the end of 2023
- **note** that emissions and hazardous activities and liveable communities are recognised as state interests in the *State Planning Policy 2017* (SPP) and the South East Queensland Regional Plan 2017 (*ShapingSEQ*)
- **note** that the department's assessment recommends you take action to protect, or give effect to, a state interest, and that it is considered that such action should be taken urgently under section 27 of the *Planning Act 2016* (the Planning Act) by making a TLPI
- **decide** to consider exercising your power under section 27 of the Planning Act to make a TLPI to ensure that waste activities are appropriately regulated
- **sign** the attached letter to Ms Sonia Cooper, Chief Executive Officer of the council (**Attachment 1**), giving notice of your intention to make a TLPI and providing your reasons for taking the action

BACKGROUND

- In 2020, two TLPIs were made to provide interim controls for certain waste activities in the industrial areas of Swanbank/New Chum and the Ebenezer/Willowbank/Jeebropilly. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank/New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer/Willowbank/Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- The existing TLPIs provided interim protection for sensitive land uses in relation to any new or expanded waste activities proposed by increasing regulations not currently provided for in the planning scheme.
- On 18 November 2021, the council resolved to make a proposed TLPI No. 1 of 2022 (Resource Recovery and Waste Activity Regulation) (council resolved TLPI), to regulate waste activities, through a single TLPI.
- While the council drafted the resolved TLPI, the department was in discussion with the council in consultation with the Department of Environment and Science (DES), the Department of Resources (DoR) and other stakeholders including State Development (Resource Recovery) and the Office of the Coordinator-General.
- The department identified that the council resolved TLPI:

BRIEFING NOTE FOR DECISION

- includes updated, and arguably onerous assessment provisions which would likely result in all future applications for landfills in the TLPI area being refused, having the effect of prohibiting new landfills or expansions to existing landfills
 - sends clear signals of council's policy intent to further limit these types of uses into the future via the new draft planning scheme
 - does not include provisions for Energy from Waste (EfW) activities.
- Without a TLPI in place, the council's planning scheme does not adequately protect or give effect to the State interests of emissions and hazardous activities and liveable communities, resulting in a significant risk of serious adverse environment conditions in the local government area.
 - The Planning Act does not allow a TLPI to be amended, it is therefore appropriate for you to elect to make a new TLPI addressing the above issues by refining the existing and council resolved TLPI.

KEY ISSUES

State interests

- The Planning Act defines a state interest as an interest that you consider:
 - affects an economic or environmental interest of the State or a part of the State; or
 - affects the interest of ensuring the Planning Act's purpose is achieved.
- The SPP expresses the state's interests in land use planning and development. The SPP identifies 17 state interests, including the state interests of emissions and hazardous activities and liveable communities. Under the SPP, certain development needs to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous activities.
- *ShapingSEQ* establishes a vision and direction for the South East Queensland region. The purpose of the *ShapingSEQ* is to manage regional growth and change in the most sustainable way to protect and enhance quality of life in the region. *ShapingSEQ* identifies various outcomes for Prosper and Connect which directly relate to the Swanbank / New Chum / Ebenezer / Willowbank / Jeebropilly areas and will be affected.

Limitations of the planning scheme

- The planning scheme commenced on 23 January 2006 under the *Integrated Planning Act 1997*. The planning scheme was prepared prior to the introduction of the SPP and is not considered to appropriately integrate or address the SPP.
- The planning scheme does not adequately regulate waste and resource recovery activities and has limited provisions for the protection of sensitive uses from adverse impacts including odour, dust, noise, air quality, and amenity that occur from waste activities.
- Without the protections afforded by the existing TLPIs, there are limited regulatory protections for protection of sensitive uses, and there is a significant risk of serious adverse environmental and social conditions happening in the local government area.

Ministerial powers to take urgent action

- Under section 27 of the Planning Act, you have the power to take urgent action if you consider:
 - action should be taken to protect, or give effect to, a state interest
 - the action must be taken urgently.
- The department considers that a TLPI should be made to protect or give effect to the following state interests:
 - the state interests of emissions and hazardous activities and liveable communities in the SPP
 - the state interests of emissions and hazardous activities and liveable communities in *ShapingSEQ*.
- A TLPI is a temporary instrument which has immediate effect for a maximum period of two years. This would provide interim protection to allow the department and the council to work together to amend the planning scheme to address the state interests of emissions and hazardous activities and liveable communities.

- The notice to council (**Attachment 1**) and the department's full assessment of the proposed TLPI is contained in the planning assessment report (**Attachment 2**) outlines:
 - the requirements for making the TLPI under section 23 and section 27 of the Planning Act have been met
 - the reasons on which the department recommends you make the TLPI are set out in the notice to council
 - making a major amendment to the planning scheme is a long process (usually greater than six months)
 - the delay in preparing an amendment to the planning scheme is considered to create an unacceptable level of risk for significant impacts to sensitive uses in the TLPI area.
- Should you decide that you intend to make the TLPI, you must notify the council of your intention. Following that, you can decide whether to make the proposed TLPI. A separate briefing note will be provided to you for this decision.

The proposed TLPI

- The department has prepared the proposed TLPI (**Attachment 3**), which has been underpinned by the council's resolved TLPI and seeks to uphold the integrity of its policy position and intent.
- The purpose of the proposed TLPI is to protect sensitive land uses in relation to any new or expanded resource recovery and waste activities proposed in TLPI area by increasing regulations not currently provided for in the planning scheme.
- Key amendments have been introduced into proposed Ministerial TLPI and include the following:
 - introduction of new assessment benchmarks to allow for assessment of Energy to Waste proposals
 - restructuring of the code provisions to address the protection of residential amenity, health and environmental concerns in the area of Swanbank
 - maintains a reasonable and balanced approach to assessment of certain types of waste activities in the areas of Ebenezer, Willowbank and Jeebropilly
 - incidental and minor amendments to reduce duplication, align with other legislation, improve readability and overall workability of the TLPI.

RESULTS OF CONSULTATION

- Legal Services have been consulted in the preparation of this brief.

RESOURCE/FINANCIAL IMPLICATIONS

- There are no resource (e.g. staffing) or financial implications associated with this briefing note.

SENSITIVITIES/RISKS

- Both the community and council have long held concerns about the environmental and health implications associated with waste activities particularly near, or visible to, residential and other sensitive land uses.
- Waste activities within Ipswich continue to draw significant public attention. The issue features regularly in media reports, public meetings and on social media.

HUMAN RIGHTS ACT

- The human rights that have been considered as potentially being relevant to this decision are property rights (the right to own property and not be arbitrarily deprived of it), the right to freedom of expression, the right to take part in public life and the right to equality before the law. The department's assessment found that this decision limits the right to freedom of expression and property rights.
- The decision is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of that Act. Refer to the attached human rights impact assessment (**Attachment 4**).

<p>Author Name: XXXXXX Position: XXXXXX Unit: Planning and Development Services Tel/Mob No: XXXXX Date: XXXXX</p>	<p>Approved by (Dir/Exec Dir) Name: <input type="text"/> Position: Executive Director Branch: Planning and Development Services Tel/Mob No: Sch. 4(4)(6) - Disclosing personal information Date: Insert text</p>	<p>Approved by (SP) Name: <input type="text"/> Division: Planning Group Tel/Mob No: Sch. 4(4)(6) - Disclosing personal information Date: Insert text</p>	<p>Director-General Endorsement Name: Damien Walker Signed Date/...../.....</p>
--	---	---	---

RTI RELEASE - DSDIL

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 4.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ ~~These earlier~~ TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Ipswich City Council's Waste and Circular Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero waste future at a practical, local level. ~~It also and~~ responds to negative

Commented [UM1]: Minister comments not appropriate -level of impartiality

waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

4.5.1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture or absence of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environmental approval framework, including local planning schemes, because it is a new and emerging area. The Queensland Government is undertaking a range of policy work and consultation to determine the appropriate role and use of this technology in Queensland and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has high levels of community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [KH2]: New section included to address energy from waste challenge

The Planning Challenge

4.6.1.5. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:
— provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
(a) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining.

Commented [KH3]: Section deleted because it repeats provisions already included in Part 3 Purpose

activity landies;

- (b) ensure the protection and improvement of the natural environment;
— ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (c) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.4. ~~This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

2.4. ~~This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

2.4. ~~This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [KH4]: Sections 2.5–2.7 moved to Part 6 Effect of the TLPI because they are more relevant to what effect the TLPI has in implementation

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) ~~facilitate and manage the management of and appropriate restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;~~
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

Commented [KH5]: Wording adjusted to clarify the TLPI's purpose and how it will apply

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.
 - (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - ~~(iii)~~ Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment ~~and assessment benchmarks~~ for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

~~Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

- ~~(-) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(-) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(-) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(-) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(-) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [KH6]: Section deleted because the TLPI should only contain the assessment provisions, not the assessment considerations a decision maker takes into account. Also repeats the purpose of Planning Act

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning

scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

Commented [KH7]: Moved to Part 6 Effect of the TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3, Attachment A and B.**~~

PART 7.6 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3.**~~

~~6.2.6.3. The assessment benchmarks under this TLPI are:~~

- ~~(a) the Strategic Outcomes set out in Part 3.2(b)~~
- ~~(b) **Attachment CA:** the “Resource Recovery and Waste Activity Code”; and~~
- ~~(c) **Attachment D:** Table 1 – Table of Assessment and Relevant Assessment Criteria.~~
- ~~(e)(d) The Planning Scheme (unless stated otherwise)~~

~~6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

~~6.5. This TLPI includes definitions as set out below in Attachment **EC.**~~

~~6.6. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~6.7. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~6.8. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

~~6.9. **XX**~~

Commented [KH8]: Both the current TLPIs and the council TLPI do not identify what sections of the planning scheme that are suspended by the TLPI. Consider if this needs to be included or not.

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [KH9]: Mapping moved to the end of the TLPI

RTI RELEASE - DSDIL GP

**ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA
OVERLAY MAP**

RTI RELEASE - DSDIL GP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(0) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [KH10]: Deleted as unnecessary to repeat the code title

5.1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with ~~any part of~~ section 3 or 4 constitutes undesirable development and is unlikely to be approved.

6.2. Purpose and Overall Outcomes ~~for~~ the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities ~~Restoring a Void for the Swanbank/New Chum Regulation Area;~~
 - (ii) adequately protected from adverse impacts resulting from or associated with ~~Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;~~
 - (iii) ~~adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.~~
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) ~~Waste Activities do not limit the establishment of productive current and future uses on any premises;~~
 - (ii) ~~environmental values are protected;~~
 - (iii) ~~identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;~~
 - (iv) ~~detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;~~
 - (v) ~~significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;~~
 - (vi) ~~are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and~~
 - (vii) ~~achieve appropriate rehabilitation outcomes for land affected by former mining activities.~~
 - (c) Energy from Waste Facilities are:
 - (i) ~~separated from existing or planned areas for Sensitive Receiving Uses;~~
 - (ii) ~~of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.~~
- ~~Land that has been scarred by former mining activities is appropriately restored and made available for future uses.~~

- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:

Commented [KH11]: Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
- (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
- (e) Energy from Waste Facilities within the TLPI Boundary:
- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.
- (b) Particular Waste Activities in the Regulated Buffer Area do not occur;
- (c) Waste Activities are only established in the Regulated Activity Area where:
- ~~(-) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
 - ~~(-) adverse environmental impacts on and beyond the premises are avoided;~~
 - ~~(-) any increase in environmental risk on and beyond the premises is avoided; and~~
 - ~~(-) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - ~~· Sensitive Receiving Uses are avoided; and~~
 - ~~· on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- ~~(f) extension or expansion of a lawfully existing waste facility or premises results in:~~
- ~~(i) reduction in the reasonable management of the extent and intensity of adverse~~

- off-site impacts by improving operations;
- (ii) improvements to the management of adverse off-site impacts ~~by implementing best practice~~;
- (iii) improved environmental performance;
- ~~k. any non-compliance with existing development approvals being addressed;~~
- (l) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:~~
- ~~(m)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- ~~(n) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- ~~(o)(h) New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLP! Boundary.~~

Commented [KH12]: Outcome deleted because it is subjective and unclear how this outcome would be applied

Commented [KH13]: Outcome amended to promote co-location of resource recovery with landfills to increase re-use and recycling. Landfills are becoming a last resort option under wider waste policy.

7.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Commented [KH14]: New section included to detail the application of the specific outcomes to different development types to align with current state drafting approach

Table 3.1: Application of Specific Outcomes

Column 1 Relevant provision of the code	Column 2 Development
Swanbank/New Chum Regulation Area	
SO1 – SO4	All development
Ebenezer/Willowbank Regulation Area	
SO5 – SO6	All development
Waste Activities	
SO7 – SO9	All Waste Activities
Filling and excavation	
SO10 – SO11	All development
Landscaping and visual amenity	
SO12	All development
Stormwater and groundwater management	
SO13 – SO14	All development

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	

Commented [KH15]: Specific outcomes separated to reflect different policy approach for Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly. Separating provides clarity in applying the provisions

Commented [KH16]: Headers added to table to ensure relevant assessment benchmarks can be readily identified

Column 1 Specific Outcomes	Column 2 Probable Solutions
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(7) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(10)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises; (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street; visually attractive; and	No probable solution provided

Commented [KH17]: Specific outcome deleted because the code purpose and overall outcomes address this, so unnecessary to repeat within the table

Commented [KH18]: Specific outcome deleted because the code purpose and overall outcomes addresses this, so unnecessary to repeat within the table

Commented [KH19]: SO amended to delete those parts that introduce subjectivity in the outcome

Column 1 Specific Outcomes	Column 2 Probable Solutions
(h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.	No probable solution provided
(6) The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) protects and enhances existing environmental values; (c) improves and adds to identified green space and open space; (d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Waste Activities	
(7) New, changed or expanded Waste Activities involving Landfill: (a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.	No probable solution provided
(8) The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.	No probable solution provided
(9) The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.	No probable solution provided
Filling and earthworks	
(11)(10) Filling and earthworks and	No probable solution provided

Commented [KM20]: New outcomes included for Ebenezer that continue the current TLPI outcomes

Commented [KH21]: New outcomes included to require co-location of resource recovery with all landfill proposals. Outcomes also included for energy to waste

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>ongoing operations associated with Waste Activities:</p> <p>(a) for Landfill, exhaust <u>prioritises use of</u> materials existing on the premises in priority to the importation of other materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)<u>(d)</u> ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(12)<u>(11)</u> Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p><u>(b)</u> prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(d)<u>(c)</u> Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p><u>Managing environmental impacts</u>Landscaping and visual amenity</p>	
<p>(13)<u>(12)</u> Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental</p>	No probable solution provided

Commented [KH22]: Minor amendment to outcome to include the note as part of the outcome to ensure it is an assessment matter instead of a guidance note

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>significance, and</p> <ul style="list-style-type: none"> (b) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (b) does not result in any increase in contaminant loads in the receiving environment on or off the premises; (b) where possible, improves the quality of runoff to nearby surface and ground water; (b) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (b) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (b) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and (b) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (b) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (b) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (b) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems. 	
<p><u>Stormwater and groundwater management</u></p>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p>(a) <u>Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p>(b) <u>not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p>(c) <u>where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p>(d) <u>for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p>(e) <u>for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p>(f) <u>for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p>(g) <u>for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p>(h) <u>incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p>(i) <u>for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the landfill liner upon which waste will be placed;</u></p> <p>(j) <u>does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p>(k) <u>where possible, avoid complex and technical management systems.</u></p>	<p>No probable solution provided</p>
<p>(14) <u>Waste Activities or Restoring a Void are designed, operated and maintained so that:</u></p> <p>(a) <u>airborne emissions, including odours,</u></p>	<p>No probable solution provided</p>

Commented [KH23]: Wording reflects current TLPI code

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(-) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(-) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(-) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(15) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(-) increase the re-use, recycling and recovery of waste resources; and</p> <p>(-) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [UM24]: Needs to be self-contained.

Commented [KH25R24]: Amended to align with wording in Narangba TLPI and avoid repeating what is required under (a) and (b)

Commented [UM26]: Check purpose statement addresses this, if so - delete

Commented [UM27]: Move to Purpose – but waste activity i.e. landfill desirable if including a resource recovery ancillary use.

Commented [KH28R27]: New SO added above

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<u>Waste Activity involving Energy from Waste Facility – inconsistent use</u>	<u>Impact Assessable</u>	<u>The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).</u> <u>Resource Recovery and Waste Activity Code</u>
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT EC: DEFINITIONS

- 8.1 **“Clean Earth”** means—
- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

- 8.2 **“Compost Manufacturing Enclosed”** means—
- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - (c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **“Compost Manufacturing Unenclosed”** means—
- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - (b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - (c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
- (b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- (c) organic waste.

organic waste—

- (a) includes the following—
 - (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - (ii) animal manure;
 - (iii) biosolids;
 - (iv) cardboard and paper waste;
 - (v) fish processing waste;
 - (vi) food and food processing waste;
 - (vii) grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

- (a) *does not include—*
- (i) *biosecurity waste; or (ii) clinical or related waste; or*
 - (ii) *contaminated soil; or*
 - (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted—

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- (b) the storing of waste materials

Commented [KH29]: Definition applied from Queensland Energy from Waste Policy (DES June 2020)

8.48.5 “Finished Product” means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 *Composts, soil conditioners and mulches*).

8.58.6 “Landfill” means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.68.7 “Regulated Activity Area” means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.78.8 “Regulated Buffer Area” means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

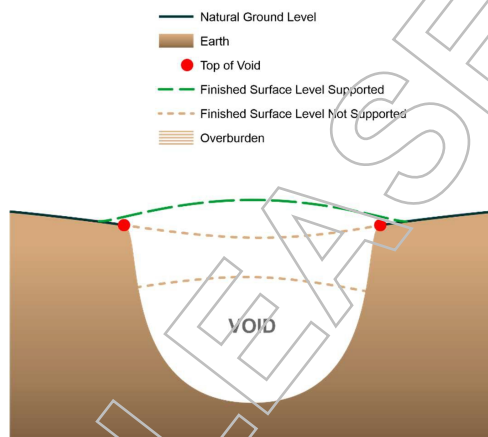
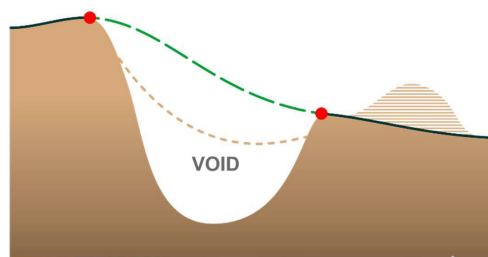
8.88.9 “Restoring a void” means—

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8-98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8-408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8-448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8-428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8-138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8-148.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(ii)(iii) Energy from Waste facility

Formatted: Character scale: 100%

~~(iii)~~(iv) "Landfill";
~~(iv)~~(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Formatted: Character scale: 100%

ATTACHMENT F-FIGURE 1: TLPI BOUNDARY

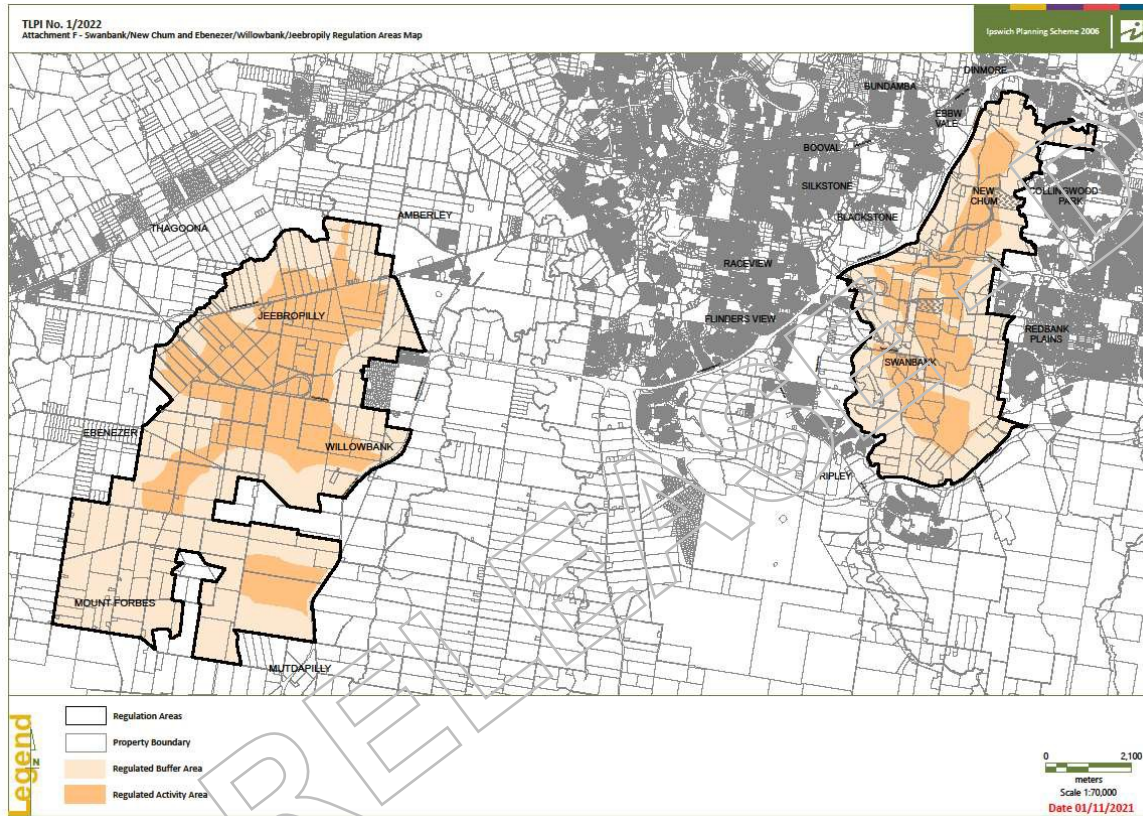
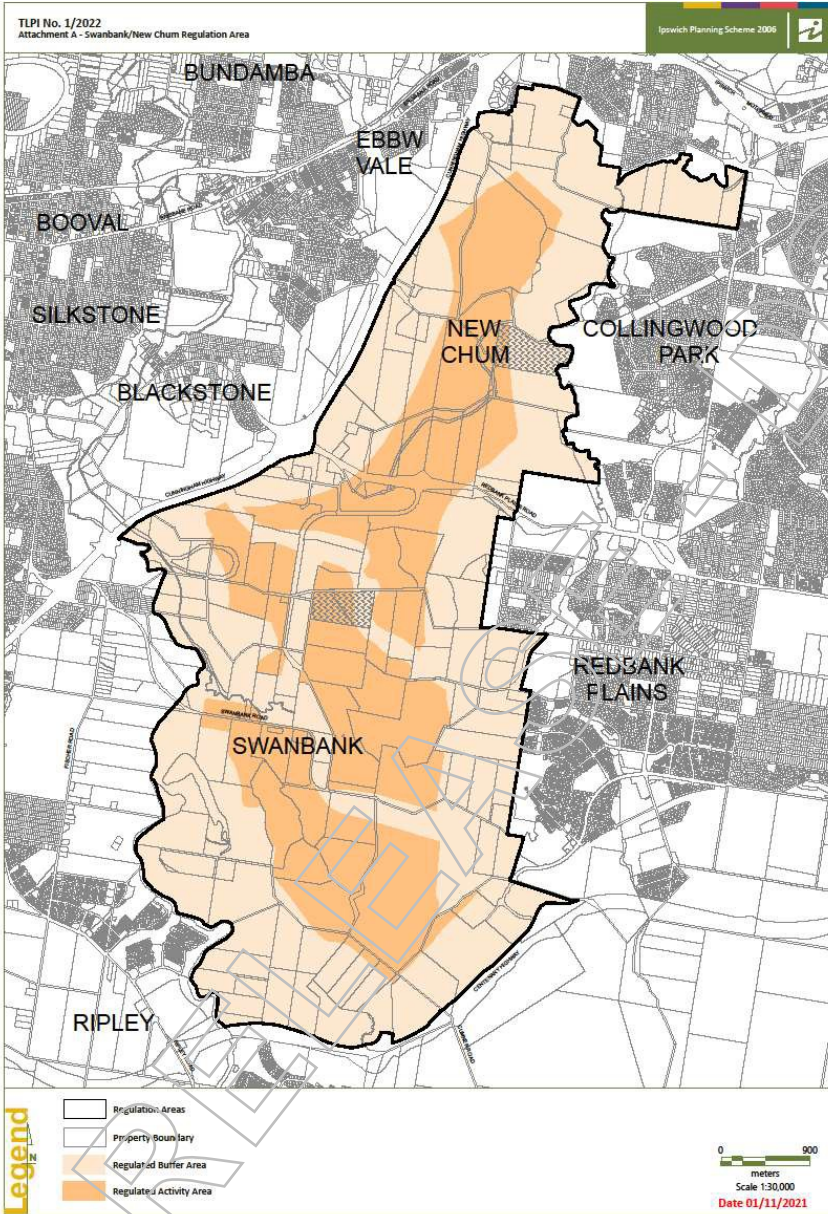
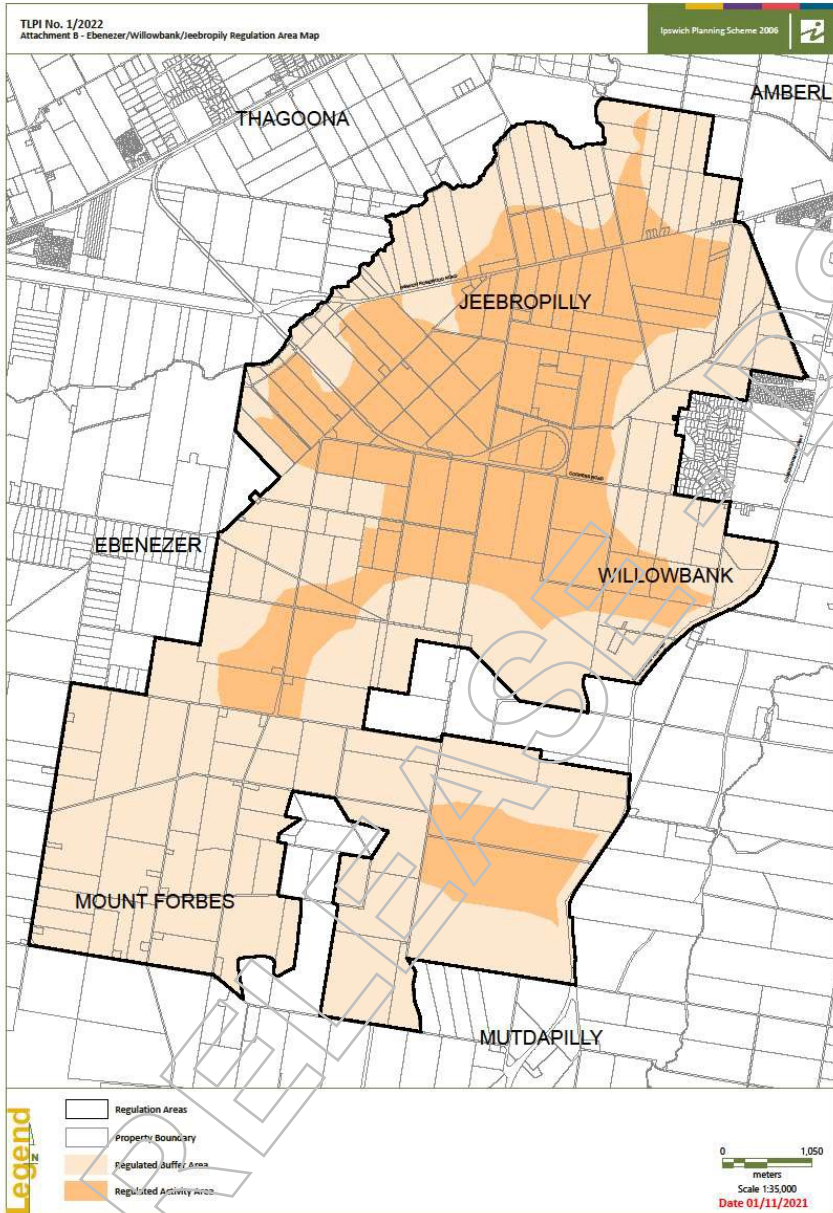


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



Commented [UM30]: Attachments to the back of doc. figures

FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Sunday, 28 November 2021 9:02 PM
To: [Redacted]
Subject: ICC TLPI - draft TLPI & comparison table
Attachments: Redraft TLPI.docx; Detailed comparison table 24-11-2021.docx

Hi both

Attached is the draft TLPI with rationale and comparison table for tomorrow's meeting with ICC.

Thanks

[Redacted]



[Redacted]

Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDILGP

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EFW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EFW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EFW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EFW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EfW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EfW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
Defines Waste Activity and the various uses regulated by the TLPI.	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	Amended (supports expanded policy intent)	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
NA – does not address Energy from Waste	NA - does not address Energy from Waste	Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>New definition of enclosed and unenclosed composting simplified from the existing definition</p> <p>Additional provisions included to define certain terms (e.g. anaerobic digestion).</p> <p>Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).</p>	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

- 1.2. ~~The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

~~4.3.1.2.~~ In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

- 1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister
TLPI - level of impartiality

[Economy Transformation Policy Directive and Waste and Resource Management Hierarchy](#) for a zero waste future at a practical, local level. ~~It also and~~ responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

1.4. [Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.](#)

4.4.1.5. [The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from wastethis technology, in Queensland. This emerging policy seeks and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significanthigh-levels-of-community interest in Ipswich. concerned about the absence of any regulation. it is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.](#)

Commented [ND2]: New section – provides context to address waste from energy technology

The Planning Challenge

4.5.1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, [energy from waste facilities](#) and other Waste Activity uses occurring within the TLPI Boundary (see [Figure 1: TLPI Boundary](#)).

Commented [ND3]: Insertion to address assessment of energy from waste development

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.3. [In particular, this TLPI seeks to:](#)
(-) [provide a regulatory framework for new or expanded Waste Activities to ensure land](#)

- within the TLPI Boundary is developed appropriately;
- (-) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (-) ensure the protection and improvement of the natural environment;
- (-) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (-) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.3. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.3. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.3. This TLPI does not regulate composting that is domestic / home composting end products for self use (see AS 4454-2012) on a domestic scale.

Commented [ND4]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;
 - (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.

Commented [ND5]: Amended to clarify purpose of TLPI

- 3.2. To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the

site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND6]: New section – provides context to address development involving waste from energy

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- (a) protect the amenity of residential and other sensitive uses within Ipswich;
- (b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;
- (c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;
- (d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and
- (e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.

Commented [ND7]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the *Planning Act*; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or

(d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND8]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND9]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- ~~(a) the Strategic Outcomes set out in Part 3.2(b)~~
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(c) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**;~~
- ~~(e)(d) **The Planning Scheme (unless stated otherwise)**.~~

Commented [ND10]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND11]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. This TLPI includes definitions as set out below in **Attachment EC**.~~

~~6.6. This TLPI does not regulate activities authorised under **Mining Leases (and associated Environmental Authorities) under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.**~~

~~6.7. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~6.8. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND12]: Inserted – previously in part 2

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND13]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND14]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [ND15]: Deleted – heading contains content

2.1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with any part of section 3 or 4 constitutes undesirable development and is unlikely to be approved.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
 - (iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) Waste Activities do not limit the establishment of productive current and future uses on any premises;
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are enhanced/protected; economic opportunities are maximised for the long term;
 - (iii) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;
 - (iv) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;
 - (v) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and
 - (vi) achieve appropriate rehabilitation outcomes for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
 - (c) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

Commented [ND16]: Amendments:

- Ensure the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Commented [ND17]: Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Commented [ND18]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND19]: Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Commented [ND20]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

- (a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
- (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill is avoided in the Regulated Activity Area;
 - (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
 - (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
- (e) Energy from Waste Facilities within the TLPI Boundary:
- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.
- (b) Particular Waste Activities in the Regulated Buffer Area do not occur;
- (c) Waste Activities are only established in the Regulated Activity Area where:
- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
 - (ii) adverse environmental impacts on and beyond the premises are avoided;
 - (iii) any increase in environmental risk on and beyond the premises is avoided; and
 - (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and
 - b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:
- (i) reduction in the reasonable management of the extent and intensity of adverse

- off-site impacts by improving operations;
- (ii) improvements to the management of adverse off-site impacts by implementing best practice;
- (iii) improved environmental performance;
- ~~a. any non-compliance with existing development approvals being addressed;~~
- ~~(e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- ~~(f)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- ~~(g) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND21]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND22]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes in Table 3.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 3.2, where relevant.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND23]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.2.

Table 4.2: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; <u>or and</u>	No probable solution provided

Commented [ND24]: Inserted to refer to relevant table

Commented [ND25]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high-quality landscaping and revegetation strategies appropriate for the long-term use of the premises; (g)(f) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimization and management of adverse impacts at all times.	No probable solution provided
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing	No probable solution provided

Commented [ND26]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND27]: Amended to remove subjectivity.

Commented [ND28]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<u>Enclosed occurs only in the Regulated Activity Area.</u>	
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	<u>No probable solution provided.</u>
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	<u>No probable solution provided.</u>
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	<u>No probable solution provided.</u>
Filling and earthworks	
(7) (10) <u>Filling- and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other materials;</u> (b) <u>for Landfill, use Clean Earth in priority to the importation of waste;</u>	No probable solution provided

Commented [ND29]: Inserted.
 • Encourage the co-location of resource recovery with landfill development.
 • Provide assessment benchmarks for energy to waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills). (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) <u>Note: does not exceed a maximum gradient of 5%, or</u> where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p>Managing environmental impacts <u>Landscaping and visual amenity</u></p>	
<p>(9)(12) Waste Activities or Restoring a Void <u>are designed and managed to be developed in a manner that:</u></p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in</p>	No probable solution provided

Commented [ND30]: Deleted – assessed under another specific outcome.

Commented [ND31]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI.

Commented [ND32]: Amended. Specific outcome to only address one matter (i.e. landscaping)

DSDILGP

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <p>(a) Avoid adversely affecting surface water or ground water quality or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</p> <p>(b) not result in any increase in contaminant</p>	<p>No probable solution provided</p>

Commented [ND33]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

RTI

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>loads in the receiving environment on or off the premises:</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p><u>(10)(14)</u> Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.	
(11) New, changed or expanded Waste Activities or Restoring a Void: (a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and (b) avoid all detrimental amenity, environmental or community impacts; and (c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.	No probable solution provided
(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to: (a) the diversion of the waste stream entering the site to: (i) increase the re-use, recycling and recovery of waste resources; and (ii) a reduction in demand for Landfill.	No probable solution provided

Commented [ND34]: Deleted. Considered through another specific outcome.

Commented [ND35]: Deleted. Content is duplicate of purpose of TLPI.

Commented [ND36]: Deleted. New specific outcome added above.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Commented [ND37]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner."

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

Commented [ND38]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

8-48.5 *“Finished Product”* means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 *“Landfill”* means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 *“Regulated Activity Area”* means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 *“Regulated Buffer Area”* means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

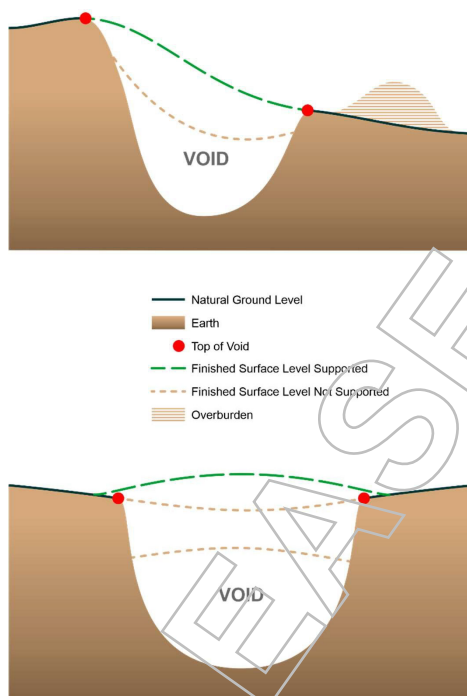
8-88.9 *“Restoring a void”* means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.438.14 **“Void”** means—

(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—

- (a) the use of premises for:
- “Compost Manufacturing Enclosed”;
 - “Compost Manufacturing Unenclosed”;
 - ~~(#)~~(iii) [Energy from Waste facility](#)

Commented [ND39]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)~~(iv) "Landfill";
~~(iv)~~(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

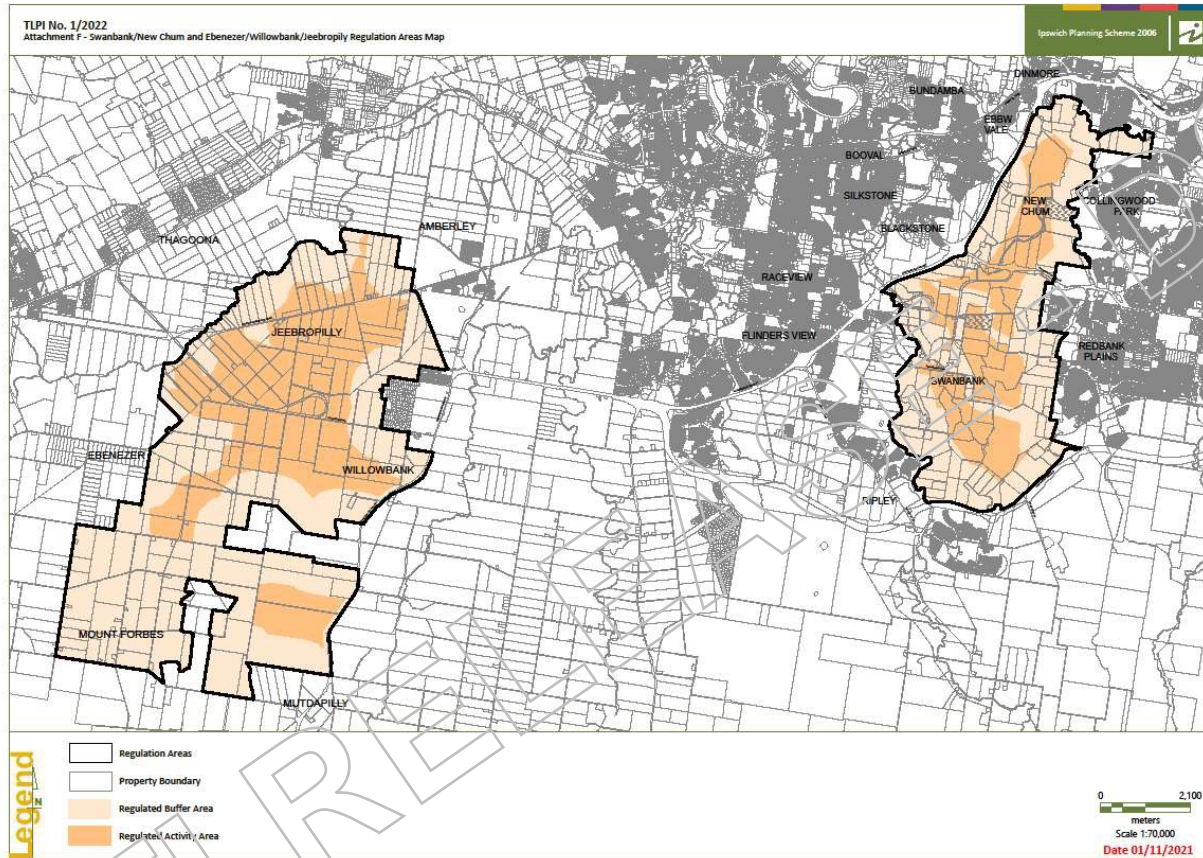


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

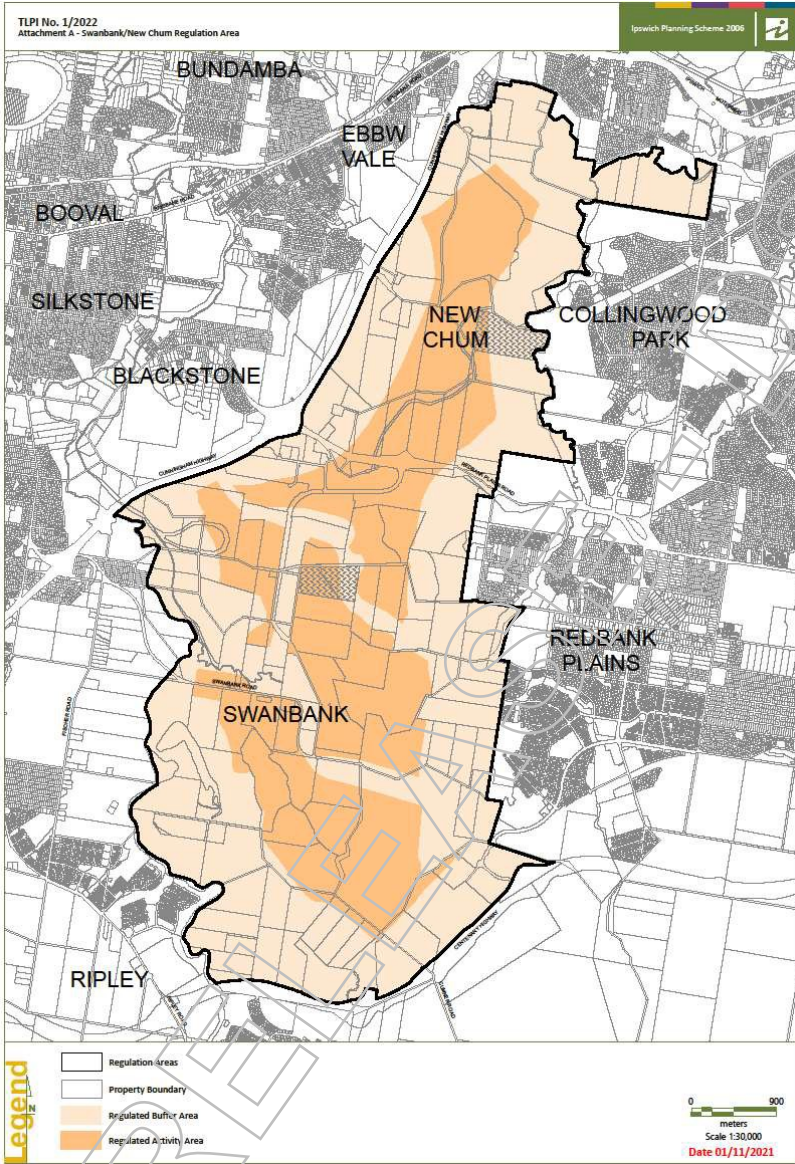
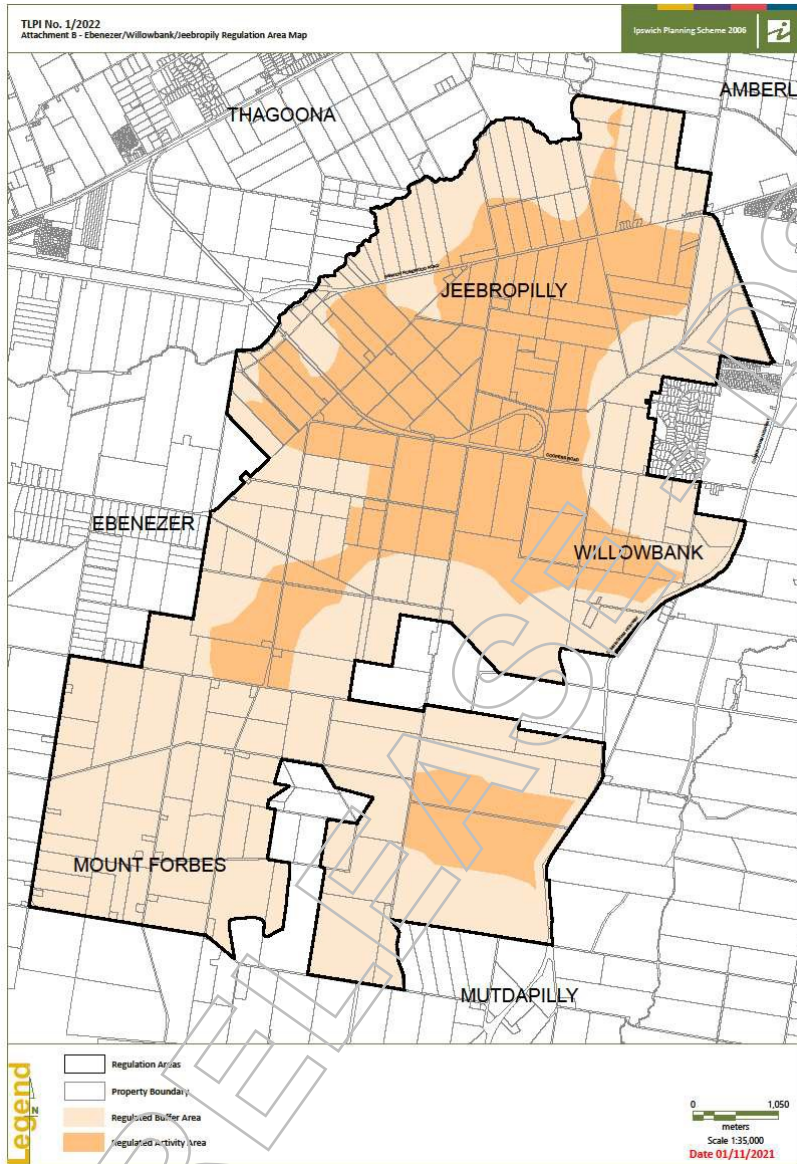


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP





Nathan >



Add and share your name and photo
Set Up...



s. 73(2) - Not relevant/ Out of scope



Mon, 29 Nov, 11:40 am

The meeting with ICC went well, but Brett/Peter concerned about mayor/councillor reaction to different regulation for Ebenezer vs Swanbank. They're fine with the energy from waste provisions and seem generally ok with structural changes. They are also going to struggle with the timeframe of tomorrow.

Officers are reluctant to provide us any comments back without talking to mayor/councillors.

Tue, 30 Nov, 10:50 am

s. 73(2) - Not relevant/ Out of scope



iMessage



From: [redacted]
To: [redacted]
Subject: Re: ICC TLPI - draft TLPI & comparison table
Date: Monday, 29 November 2021 7:01:25 AM
Attachments: [image005.png](#)
[image006.png](#)

Thanks [redacted]

[redacted] and I will review and run through this morning with ICC.

[redacted]

Get [Outlook for iOS](#)

From: [redacted]
Sent: Sunday, November 28, 2021 9:02:23 PM

[redacted]

Subject: ICC TLPI - draft TLPI & comparison table

Hi both

Attached is the draft TLPI with rationale and comparison table for tomorrow's meeting with ICC.

Thanks

[redacted]



**Queensland
Government**

[redacted]

Principal Planner
Development Assessment Division
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 7:40 AM
To: [Redacted]
Subject: RE: Ipswich TLPI draft

Hi [Redacted]

No problem, hopefully it was useful.

Let me know if you have any questions.

Thanks

[Redacted]

From: [Redacted]
Sent: Friday, 26 November 2021 5:24 PM
To: [Redacted]
Subject: RE: Ipswich TLPI draft

Hi [Redacted]

Thanks for looking through all of that.

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [redacted]

Sent: Friday, 26 November 2021 3:14 PM

Subject: RE: Ipswich TLPI draft

Hi [redacted]

Please see attached version with my comments.

I also had a go at re-drafting the context and planning challenge sections as I found it a bit of a struggle to get comprehend at times.

Happy to discuss further if you have any questions or concerns around my comments. Hopefully you are able to see them....

Cheers



[redacted]

Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – *meet now*

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and renewed Australia.*



From: [redacted]

Sent: Friday, 26 November 2021 9:44 AM

Subject: Ipswich TLPI draft

Hi

Please find attached a draft of the TLPI instrument.

For ease of review can you please review it using the no markup under track changes in Word. We need to keep all of the current track changes and comments that have been made as we need to show these to ICC next week. If you have any changes or comments can you please add these in as comments.

Regards



Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a fair,
equitable and reconciled Australia.*



Pages 486 through 490 redacted for the following reasons:

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 11:53 AM
To: [Redacted]
Cc: [Redacted]
Subject: Draft TLPI documents
Attachments: Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASED

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

~~1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

~~1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.~~

~~1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.~~

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM2]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND3]: New section – provides context to address waste from energy technology

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND4]: Insertion to address assessment of energy from waste development

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM5]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

Commented [ND6]: Sections 2.4 – deleted on the basis content is included in Part 3
Sections 2.5–2.7 – deleted on the basis content is included in Part 6

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

Commented [ND7]: Amended to clarify purpose of TLPI

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND8]: New section – provides context to address development involving energy from waste

Commented [UM9]: New definition, as TLPI now regulates EtW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND10]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3, Attachment A and B.**~~

Commented [ND11]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3.**~~

Commented [ND12]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA:** the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria.**~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND13]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND14]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B.**~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC.**~~

Formatted: Character scale: 100%

Formatted: Font: (Default) Arial, 10 pt

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND15]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND16]: Inserted as Figures 1-3

**ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA
OVERLAY MAP**

Commented [ND17]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [ND18]: Deleted – heading contains content

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3-2 and section 4-4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

Commented [UM19]: Updated for editing purposes.

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

Commented [UM20]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

Commented [UM21]:

Commented [UM22]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM23]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

Commented [ND24]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Commented [ND25]: Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Commented [ND26]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND27]: Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) Particular Waste Activities in the Regulated Buffer Area do not occur;

(c) Waste Activities are only established in the Regulated Activity Area where:

- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and

Commented [ND28]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (e)(f) ~~extension or expansion of a lawfully existing waste facility or premises results in:~~
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) ~~improvements to the management of adverse off-site impacts by implementing best practice;~~
 - (iii) ~~improved environmental performance;~~
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that~~ have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND29]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND30]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.~~

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND31]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND32]: Inserted to refer to relevant table

Commented [ND33]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [ND34]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND35]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling, and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND36]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND37]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p><u>Landscaping and visual amenity</u></p>	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND38]: Deleted – assessed under another specific outcome.

Commented [ND39]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND40]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM41]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p><u>No probable solution provided</u></p>

Commented [ND42]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND43]: Deleted. Considered through another specific outcome. SO's need to be self contained/bounded.

Commented [ND44]: Deleted. Content is duplicate of purpose of TLPI.

Commented [ND45]: Deleted. New specific outcome added above.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Commented [ND46]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM47]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM48]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility means:**

- ~~(a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;~~
- ~~(b) the storing of waste materials~~

Commented [ND49]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

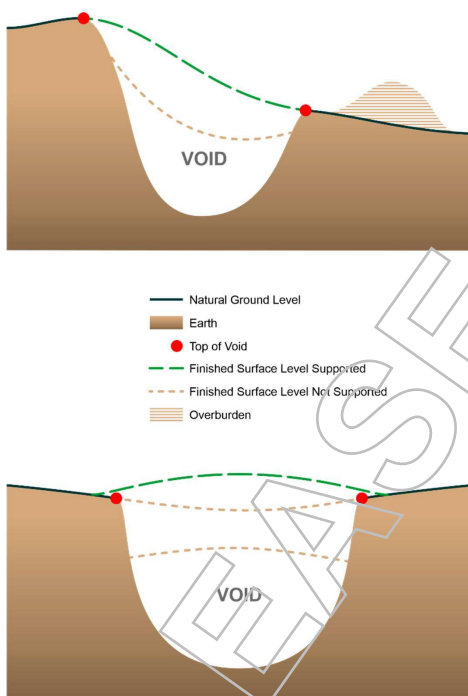
8-88.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.148.12 **“Top of a Void”** means—
 (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
 (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.148.15 **“Waste Activity”** means—
 (a) the use of premises for:
 (i) “Compost Manufacturing Enclosed”;
 (ii) “Compost Manufacturing Unenclosed”;
 (iii) [Energy from Waste facility](#)

Commented [ND50]: Inserted to ensure provisions apply to energy from waste activities

(iii)(iv) "Landfill";
(iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

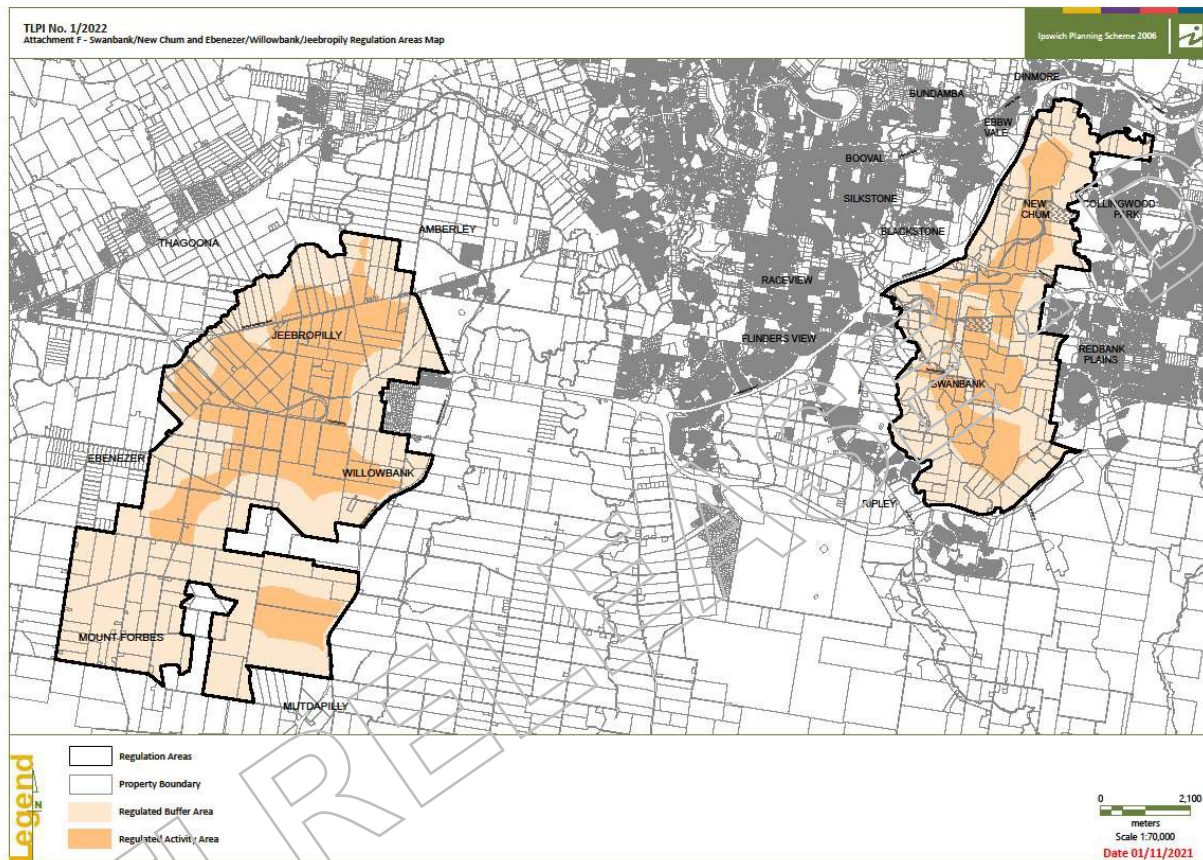


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

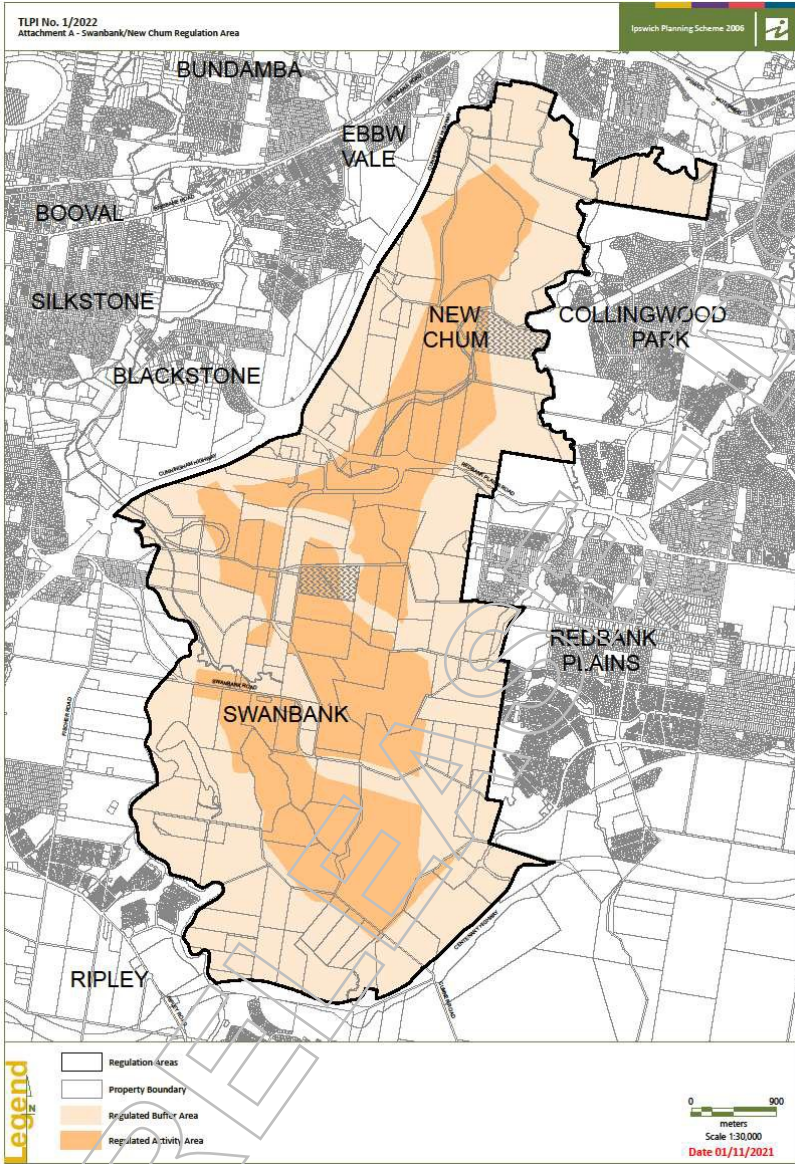
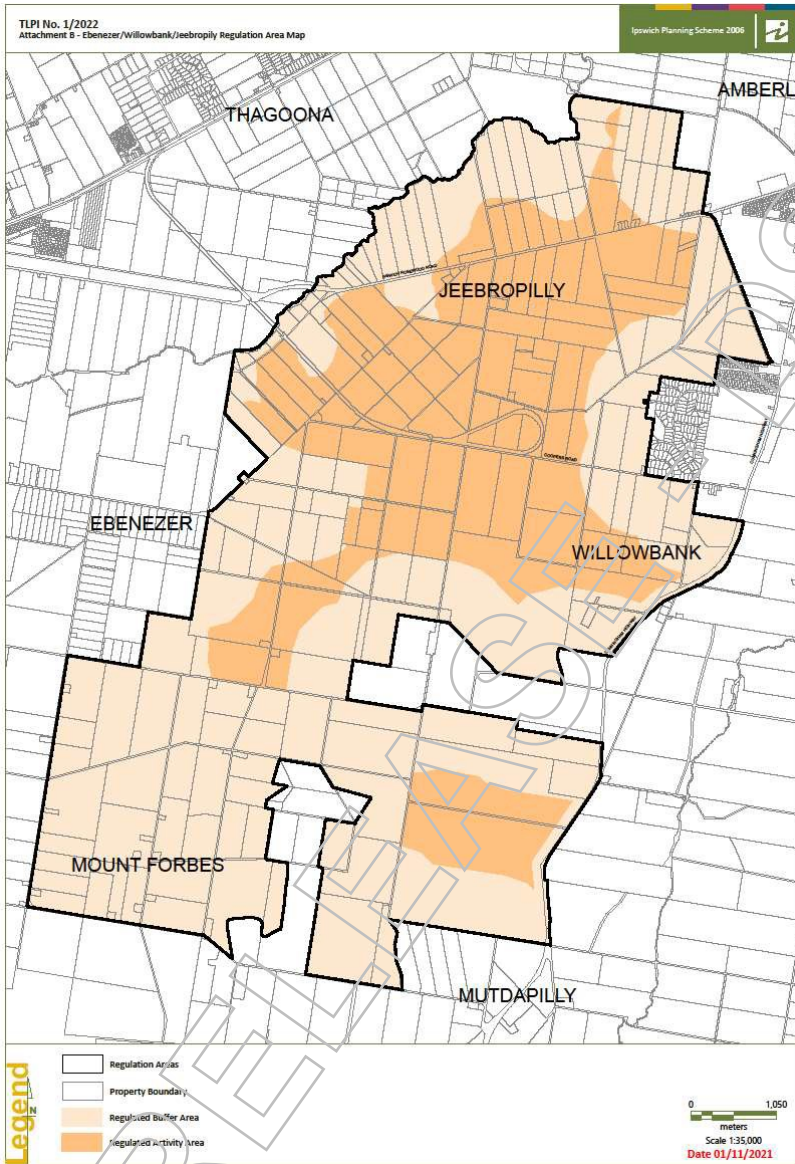


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EFW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EFW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EFW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EFW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EfW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EfW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
Defines Waste Activity and the various uses regulated by the TLPI.	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	Amended (supports expanded policy intent)	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
NA – does not address Energy from Waste	NA - does not address Energy from Waste	Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>New definition of enclosed and unenclosed composting simplified from the existing definition</p> <p>Additional provisions included to define certain terms (e.g. anaerobic digestion).</p> <p>Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).</p>	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 11:51 AM
To: [Redacted]
Cc: [Redacted]
Subject: Draft TLPI documents for ICC
Attachments: Final Draft TLPI 2022 for Council Meeting 181121.docx; Redraft TLPI.docx

Hi [Redacted]

Copy of draft documents for ICC review.

Regards



[Redacted]

Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

- 1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 4.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.
- 1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.
- 1.4. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 1.5. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero waste future at a practical, local level and responds to negative waste

management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

The Planning Challenge

- 1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect to the operation of landfill and other waste activity uses occurring within the TLPI Boundary.
- 2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.
- 2.4. In particular, this TLPI seeks to:
 - (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate restoration of land that has been adversely impacted by the legacy impacts of former mining activities;
 - (c) ensure the protection and improvement of the natural environment;
 - (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
 - (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.
- 2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

- 2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.
- 2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

- 3.1. The purpose of the TLPI is to manage new or expanded waste activities within the TLPI Boundary to ensure:
 - (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) the management of and appropriate restoration of land that has been scarred by the legacy impacts of former mining activities;
 - (c) Sensitive Receiving Uses, are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 3.2. To achieve this purpose, the TLPI—
 - (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting.
 - (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) “Clean Earth”;
 - (ii) “Compost Manufacturing Enclosed”;
 - (iii) “Compost Manufacturing Unenclosed”;
 - (iv) “Landfill”;
 - (v) “Void”
 - (vi) “Resource Recovery Facility”
 - (vii) “Restoring a Void”; and
 - (viii) “Waste Activity”.
 - (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
 - (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
 - (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the “Resource Recovery and Waste Activity Code”.
- 3.3. Planning decisions must balance a range of competing interests and changing geo-political policy pressures to:

- (a) protect the amenity of residential and other sensitive uses within Ipswich;
- (b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;
- (c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;
- (d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities, and
- (e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the *Planning Act 2016*; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*, or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

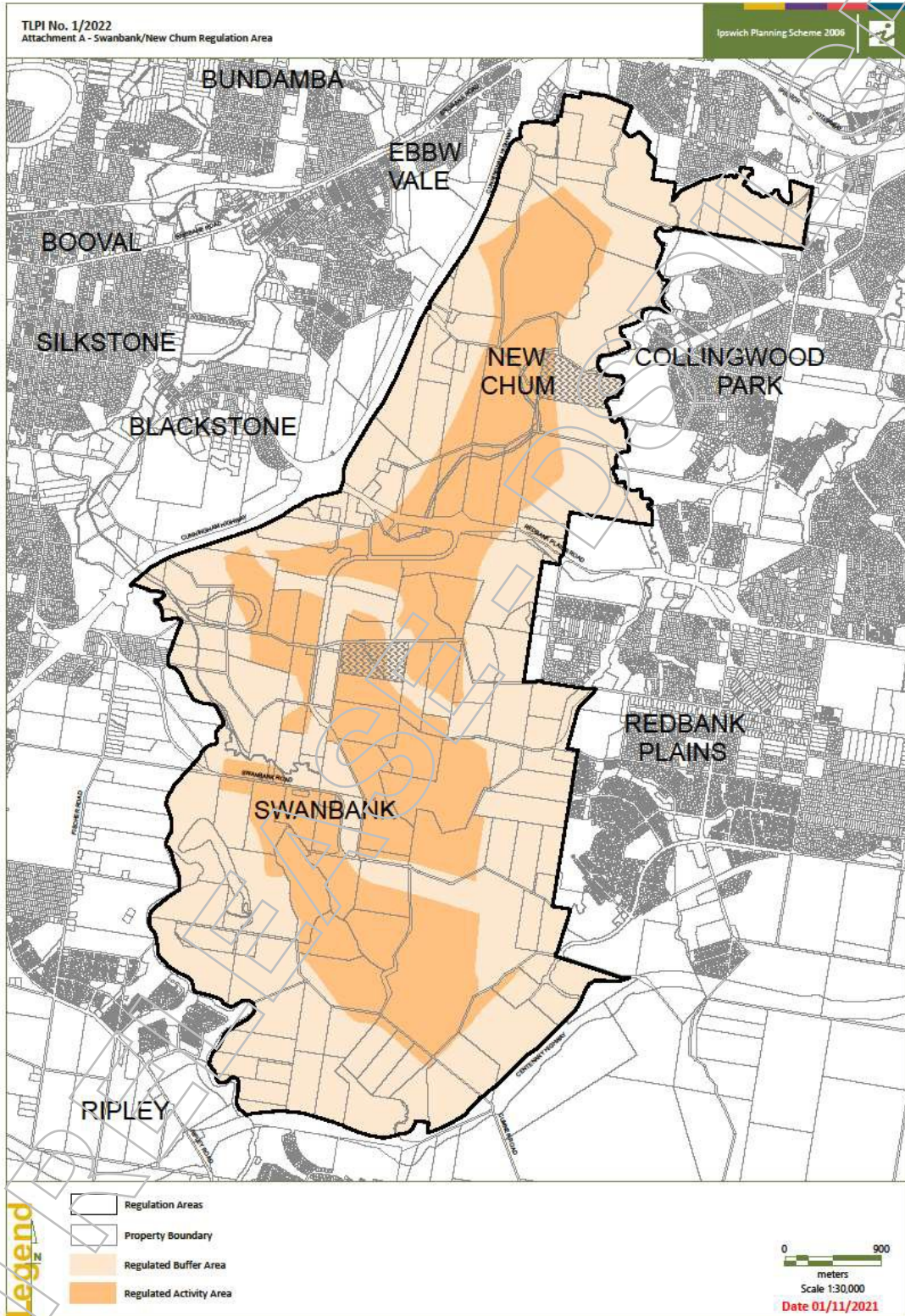
- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

PART 7 – EFFECT OF THE TLPI

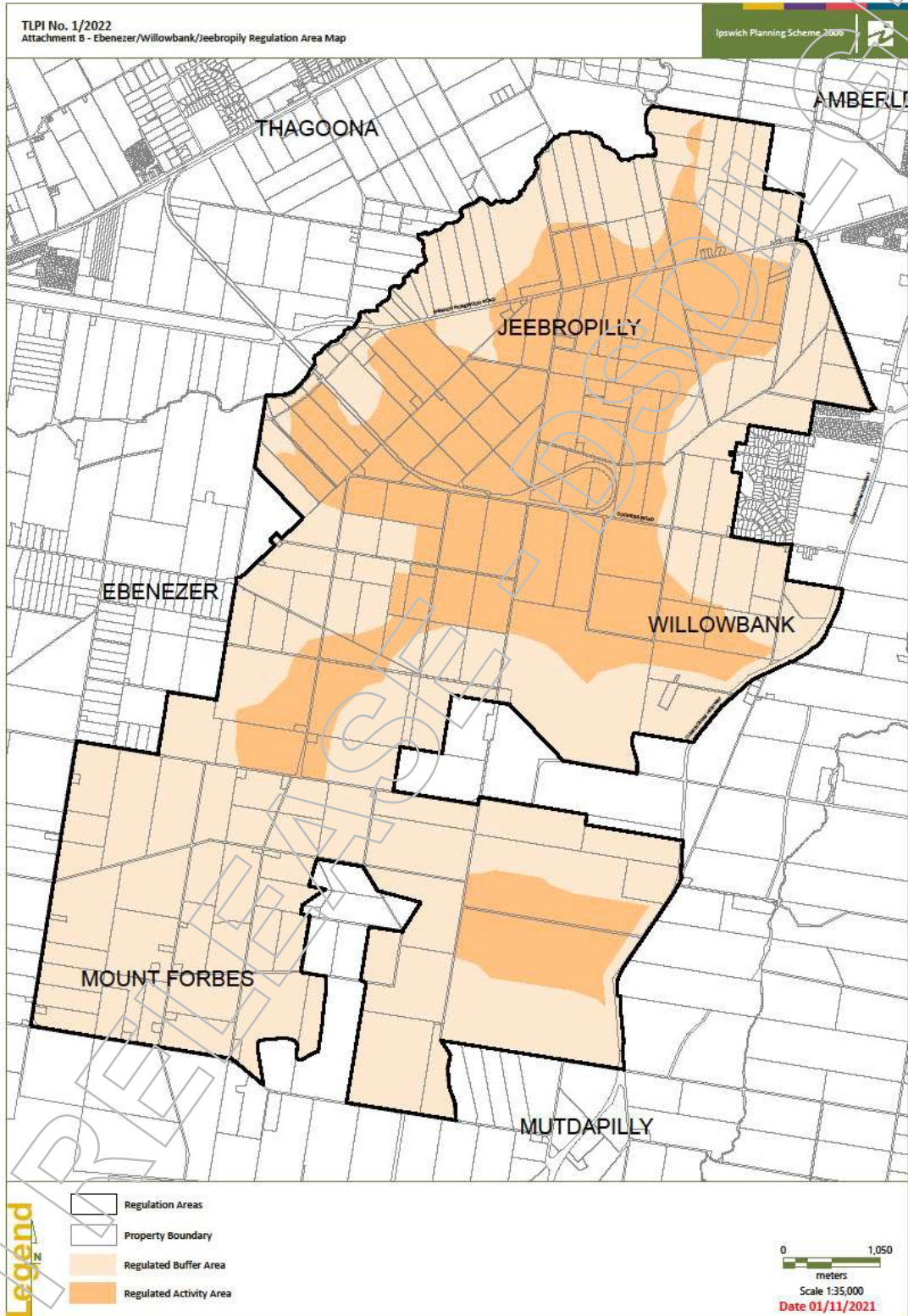
- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

- 7.2 The assessment benchmarks under this TLPI are:
- (a) the Strategic Outcomes set out in Part 3.2(b)
 - (b) **Attachment C:** the “Resource Recovery and Waste Activity Code”; and
 - (c) **Attachment D:** Table 1 - Table of Assessment and Relevant Assessment Criteria.
- 7.3 The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to, the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.
- 7.4 This TLPI includes definitions as set out below in Attachment E.

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



ATTACHMENT C: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

- (1) Attachment C is the Resource Recovery and Waste Activity Code.

2. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with section 3 and section 4 complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with any part of section 3 or 4 constitutes undesirable development and is unlikely to be approved.

3. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void;
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) Waste Activities do not limit the establishment of productive current and future uses on any premises;
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are enhanced;
 - (iv) economic opportunities are maximised for the long-term;
 - (c) land that has been scarred by former activities is appropriately restored and made available for future uses.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Regulated Buffer Area and is carried out so that Sensitive Receiving Uses are not adversely affected;
 - (ii) occurs in the Regulated Activity Area where Overall Outcome 2(a)(i) is not satisfied;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Particular Waste Activities in the Regulated Buffer Area do not occur;
 - (c) Waste Activities are only established in the Regulated Activity Area where:
 - (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
 - (ii) adverse environmental impacts on and beyond the premises are avoided;
 - (iii) any increase in environmental risk on and beyond the premises is avoided; and
 - (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general

- amenity impacts) on:
- a. Sensitive Receiving Uses are avoided; and
 - b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d) extension or expansion of a lawfully existing waste facility or premises:
- (i) results in:
 - a. reduction in the extent and intensity of adverse off-site impacts;
 - b. improvements to the management of adverse off-site impacts by implementing best practice;
 - c. improved environmental performance;
 - d. any non-compliance with existing development approvals being addressed;
 - (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:
 - (i) have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
 - (f) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
 - (g) Waste Activities maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.
 - (h) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

4. Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.1

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ol style="list-style-type: none"> (a) does not have any adverse impact on Sensitive Receiving Uses; or (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times. 	No probable solution provided
(3) The use of premises for Restoring a Void uses: <ol style="list-style-type: none"> (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth. 	No probable solution provided
(4) The use of premises for Waste Activities	No probably solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
does not occur in the Regulated Buffer Area.	
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) The combined use of premises for Restoring a Void or for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises; (g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and (h) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided
(7) Filling, earthworks and ongoing operations associated with Waste Activities: (a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and (e) ensure that fill materials are compacted to the maximum extent possible.	No probable solution provided
(8) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%. <p>Note: where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses) the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	
<p>(9) Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> (a) establishes and maintains native vegetation buffers which permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and (b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and (c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (d) does not result in any increase in contaminant loads in the receiving environment on or off the premises; (e) where possible, improves the quality of nearby surface and ground water; (f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste 	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>and leachate and between any surface water and ground water; and</p> <ul style="list-style-type: none"> (i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (m) where possible, avoids complex and technical management systems. 	
<p>(10) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses from the emissions considered in Specific Outcome 10(a) and 10(b) above. 	No probable solution provided
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <ul style="list-style-type: none"> (a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and (b) avoid all detrimental amenity, environmental or community impacts; and (c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above. 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <ul style="list-style-type: none"> (i) increase the re-use, recycling and recovery of waste resources; and (ii) a reduction in demand for Landfill. 	

RTI RELEASE - DSDILGP

ATTACHMENT D: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a “Resource Recovery Facility”	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT E: DEFINITIONS

8.1 “**Clean Earth**” means—

- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

“clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.”

8.2 “**Compost Manufacturing Enclosed**” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

8.3 “**Compost Manufacturing Unenclosed**” means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

“anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner

organic material means—

- (a) *animal matter, including, for example, dead animals, animal remains and animal excreta; or*
(b) *plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or*
(c) *organic waste.*

organic waste—

- (a) *includes the following—*
(i) *a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;*
(ii) *animal manure;*
(iii) *biosolids;*
(iv) *cardboard and paper waste;*
(v) *fish processing waste;*
(vi) *food and food processing waste;*
(vii) *grease trap waste;*

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

(b) *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).

8.5 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.7 **“Regulated Buffer Area** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8.8 **“Restoring a void”** means–

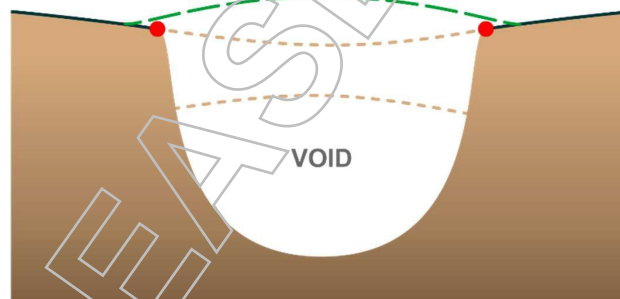
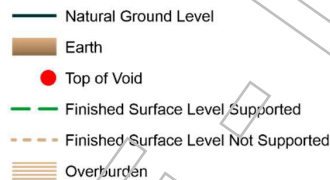
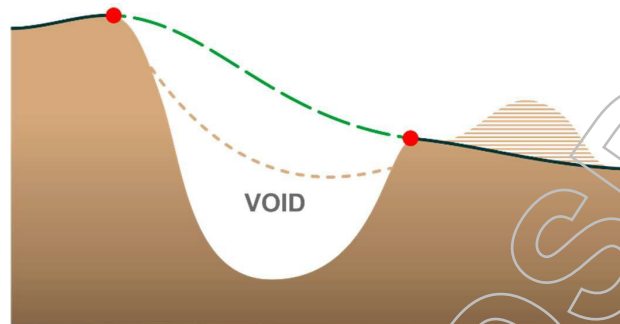
- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.9 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.10 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.11 **“Top of a Void”** means—

- (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.12 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

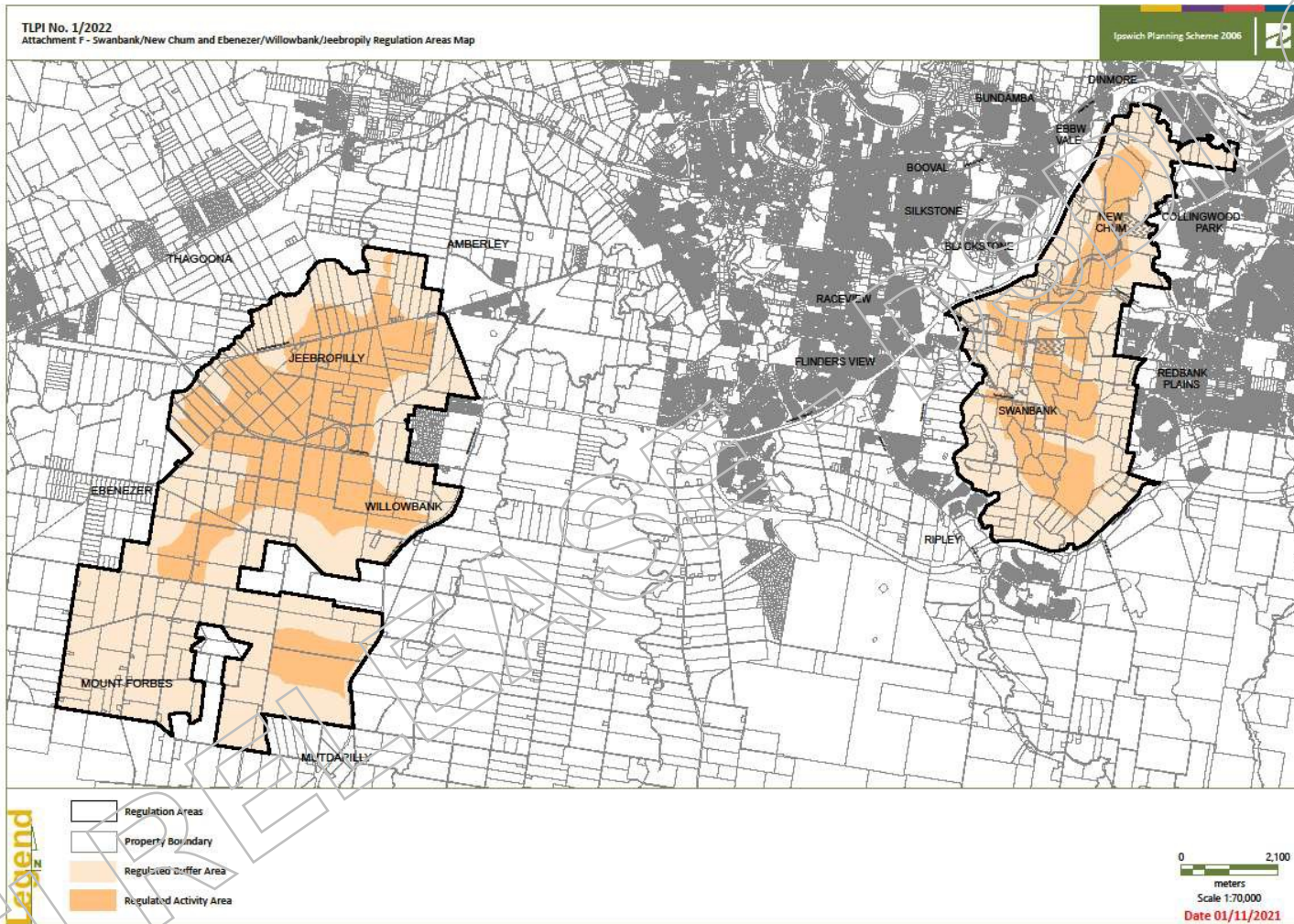
8.13 **“Void”** means—

- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.14 **“Waste Activity”** means—

- (a) the use of premises for:
- (i) “Compost Manufacturing Enclosed”;
 - (ii) “Compost Manufacturing Unenclosed”;
 - (iii) “Landfill”;
 - (iv) “Resource Recovery Facility”; and
- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

ATTACHMENT F: TLPI BOUNDARY



**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM2]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND3]: New section – provides context to address waste from energy technology

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND4]: Insertion to address assessment of energy from waste development

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM5]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

Commented [ND6]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

Commented [ND7]: Amended to clarify purpose of TLPI

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

(c) includes additional definitions for Defined Uses and Use Classes for:

- (i) Clean Earth;
- (ii) Compost Manufacturing Enclosed;
- (iii) Compost Manufacturing Unenclosed;
- ~~(iii)~~(iv) Energy from Waste Facility;
- ~~(iv)~~(v) Landfill;
- ~~(v)~~(vi) Void;
- ~~(vi)~~(vii) Resource Recovery Facility;
- ~~(vii)~~(viii) Restoring a Void; and
- ~~(viii)~~(ix) Waste Activity.

(d) includes two regulation areas:

- (i) Regulated Buffer Area; and
- (ii) Regulated Activity Area.

(e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and

(f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND8]: New section – provides context to address development involving energy from waste

Commented [UM9]: New definition, as TLPI now regulates EtW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND10]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

PART 4 – DURATION OF TLPI

4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.

4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –

- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3, Attachment A and B.**~~

Commented [ND11]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3.**~~

Commented [ND12]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA:** the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria.**~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND13]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND14]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B.**~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC.**~~

Formatted: Character scale: 100%

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND15]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND16]: Inserted as Figures 1-3

**ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA
OVERLAY MAP**

Commented [ND17]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [ND18]: Deleted – heading contains content

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3-2 and section 4-4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

Commented [UM19]: Updated for editing purposes.

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

Commented [UM20]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

Commented [UM21]:

Commented [UM22]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM23]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

Commented [ND24]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Commented [ND25]: Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Commented [ND26]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND27]: Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

~~(b) Particular Waste Activities in the Regulated Buffer Area do not occur;~~

~~(c) Waste Activities are only established in the Regulated Activity Area where:~~

- ~~(i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
- ~~(ii) adverse environmental impacts on and beyond the premises are avoided;~~
- ~~(iii) any increase in environmental risk on and beyond the premises is avoided; and~~
- ~~(iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - ~~a. Sensitive Receiving Uses are avoided; and~~

Commented [ND28]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (e)(f) ~~extension or expansion of a lawfully existing waste facility or premises results in:~~
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) ~~improvements to the management of adverse off-site impacts by implementing best practice;~~
 - (iii) ~~improved environmental performance;~~
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND29]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND30]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.~~

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND31]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND32]: Inserted to refer to relevant table

Commented [ND33]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [ND34]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND35]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling, and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND36]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND37]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<p><u>Landscaping and visual amenity</u></p>	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND38]: Deleted – assessed under another specific outcome.

Commented [ND39]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND40]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM41]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p><u>No probable solution provided</u></p>

Commented [ND42]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND43]: Deleted. Considered through another specific outcome. SO's need to be self contained/bounded.

Commented [ND44]: Deleted. Content is duplicate of purpose of TLPI.

Commented [ND45]: Deleted. New specific outcome added above.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Commented [ND46]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM47]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM48]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility means:**

- ~~(a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;~~
- ~~(b) the storing of waste materials~~

Commented [ND49]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

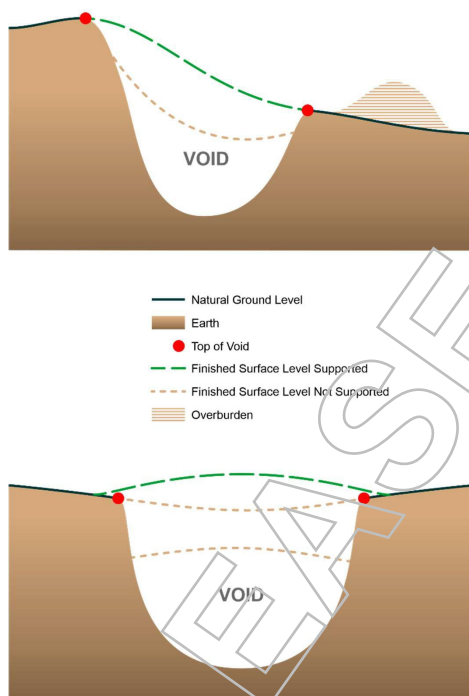
8-88.9 **“Restoring a void”** means–

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.438.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) [Energy from Waste facility](#)

Commented [ND50]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)~~(iv) "Landfill";
~~(iv)~~(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

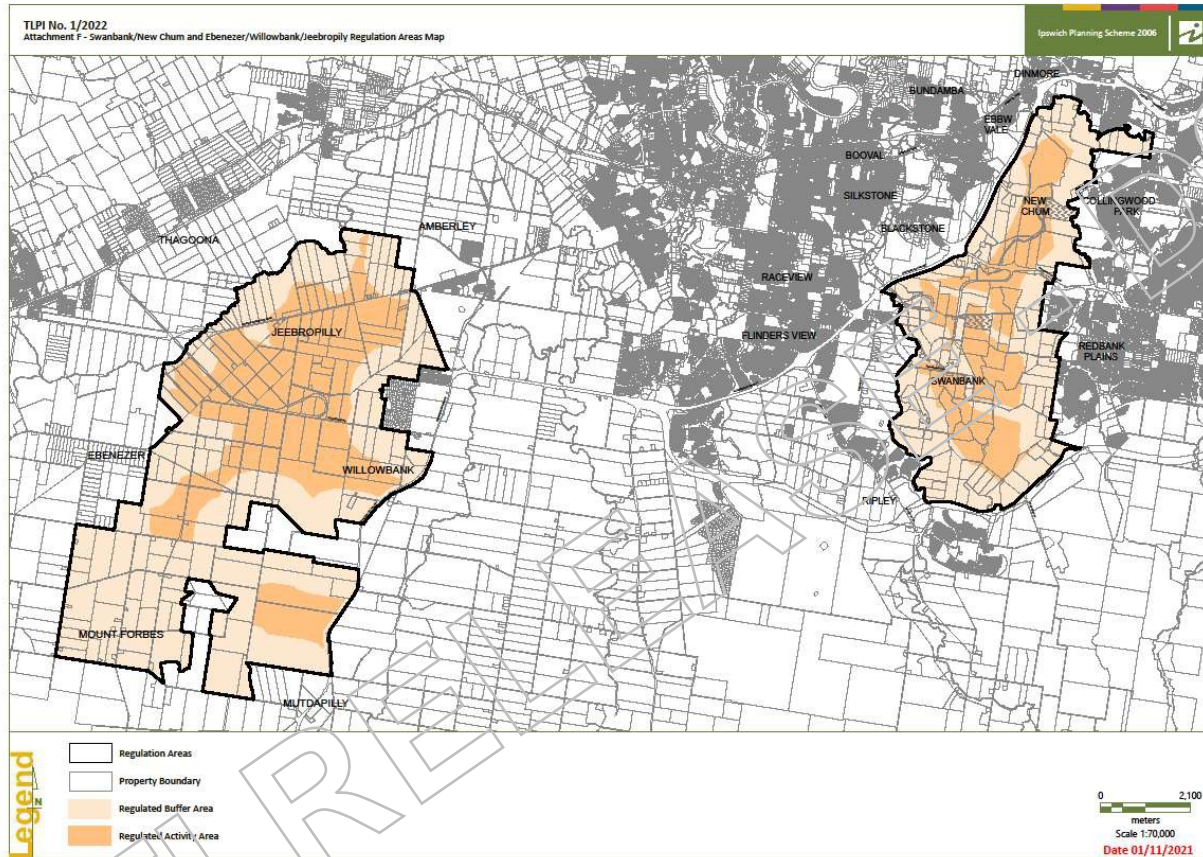


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

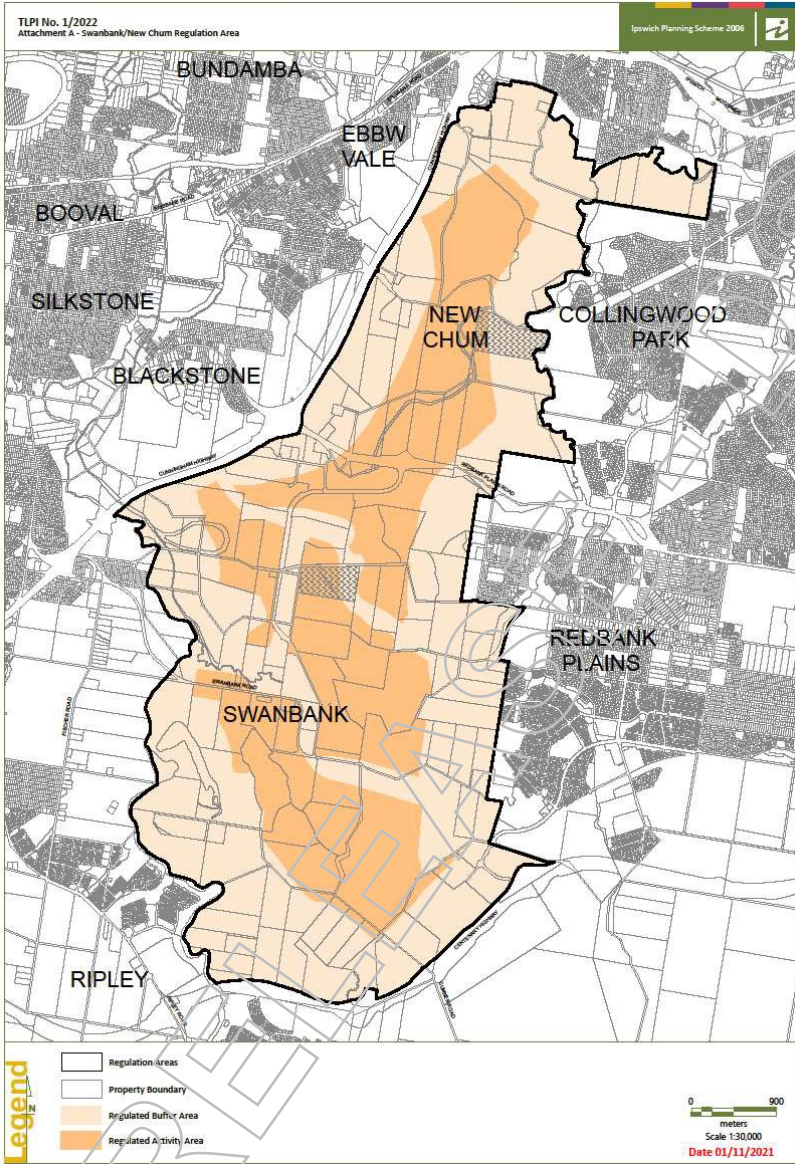
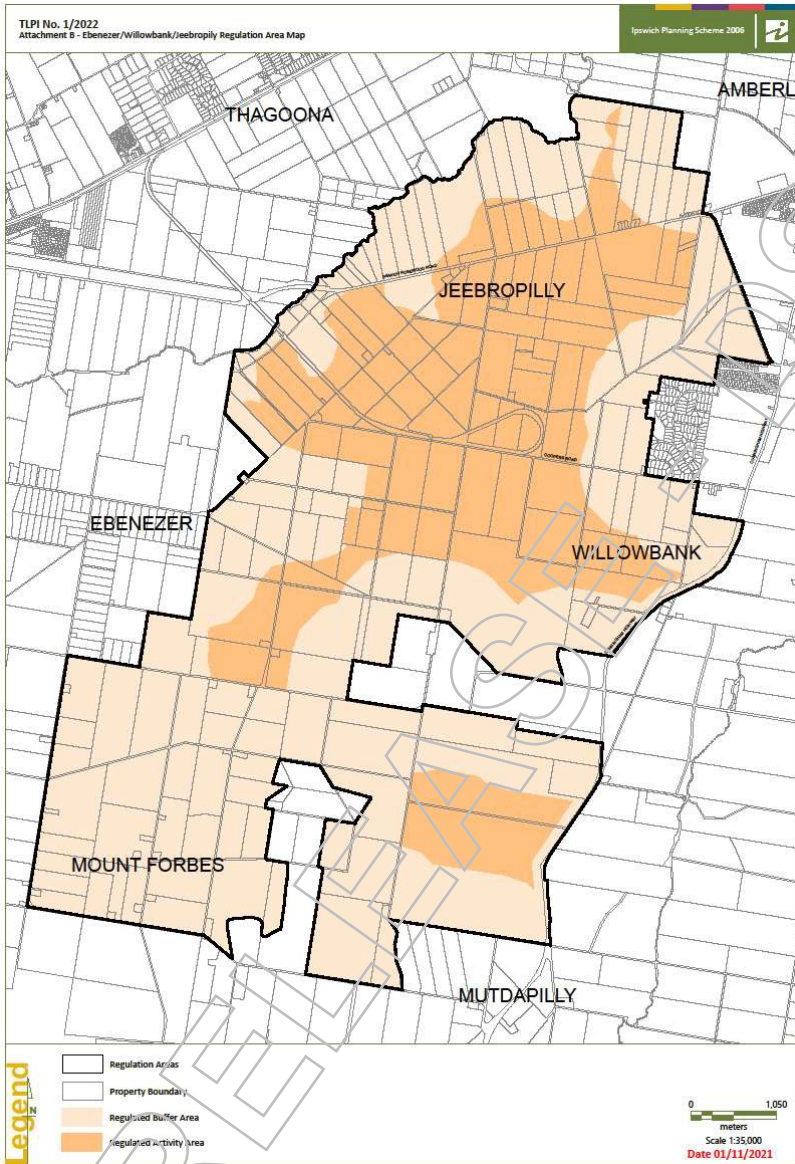


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

[Redacted]

From:

Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents

Attachments: Redraft TLPI.docx; Detailed comparison table 24-11-2021.docx

Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards



[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.



**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~1.2. In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

~~1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM2]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND3]: New section – provides context to address waste from energy technology

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND4]: Insertion to address assessment of energy from waste development

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM5]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

Commented [ND6]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

Commented [ND7]: Amended to clarify purpose of TLPI

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND8]: New section – provides context to address development involving energy from waste

Commented [UM9]: New definition, as TLPI now regulates EtW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND10]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND11]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND12]: Inserted – previously section 6.1

~~6.2.6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND13]: Deleted – table of assessment not an assessment benchmark

~~6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND14]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

Formatted: Character scale: 100%

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND15]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND16]: Inserted as Figures 1-3

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND17]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

Commented [ND18]: Deleted – heading contains content

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3-2 and section 4-4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

Commented [UM19]: Updated for editing purposes.

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

Commented [UM20]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for of the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

Commented [UM21]:

Commented [UM22]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM23]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

Commented [ND24]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Commented [ND25]: Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Commented [ND26]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND27]: Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) Particular Waste Activities in the Regulated Buffer Area do not occur;

(c) Waste Activities are only established in the Regulated Activity Area where:

- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and

Commented [ND28]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

- b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:
- reduction in the reasonable management of the extent and intensity of adverse off-site impacts by improving operations;
 - improvements to the management of adverse off-site impacts by implementing best practice;
 - improved environmental performance;
- a. any non-compliance with existing development approvals being addressed;
- (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-
- (f)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (g) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
- (h) New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste, with Landfill used as a last resort.
- Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

Commented [ND29]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND30]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND31]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND32]: Inserted to refer to relevant table

Commented [ND33]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [ND34]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND35]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling, and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND36]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND37]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to are developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND38]: Deleted – assessed under another specific outcome.

Commented [ND39]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND40]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM41]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary, and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p>No probable solution provided</p>

Commented [ND42]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND43]: Deleted. Considered through another specific outcome. SO's need to be self contained/bounded.

Commented [ND44]: Deleted. Content is duplicate of purpose of TLPI.

Commented [ND45]: Deleted. New specific outcome added above.

ATTACHMENT DB: Table 4 – Table of Assessment and Relevant Assessment Criteria

Commented [ND46]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM47]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM48]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ does not include—

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

Commented [ND49]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

8-48.5 “Finished Product” means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 “Landfill” means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 “Regulated Activity Area” means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 “Regulated Buffer Area” means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

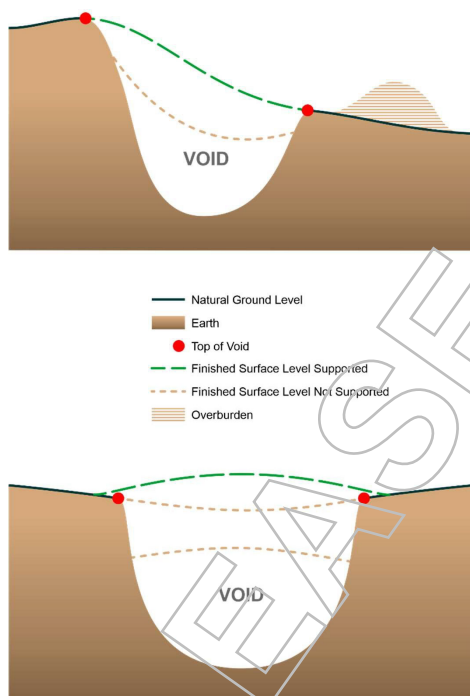
8-88.9 “Restoring a void” means—

- (a) the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
 (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
 (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
 (a) the use of premises for:
 (i) “Compost Manufacturing Enclosed”;
 (ii) “Compost Manufacturing Unenclosed”;
 (iii) [Energy from Waste facility](#)

Commented [ND50]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)(iv)~~ "Landfill";
~~(iv)(v)~~ "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT F FIGURE 1: TLPI BOUNDARY

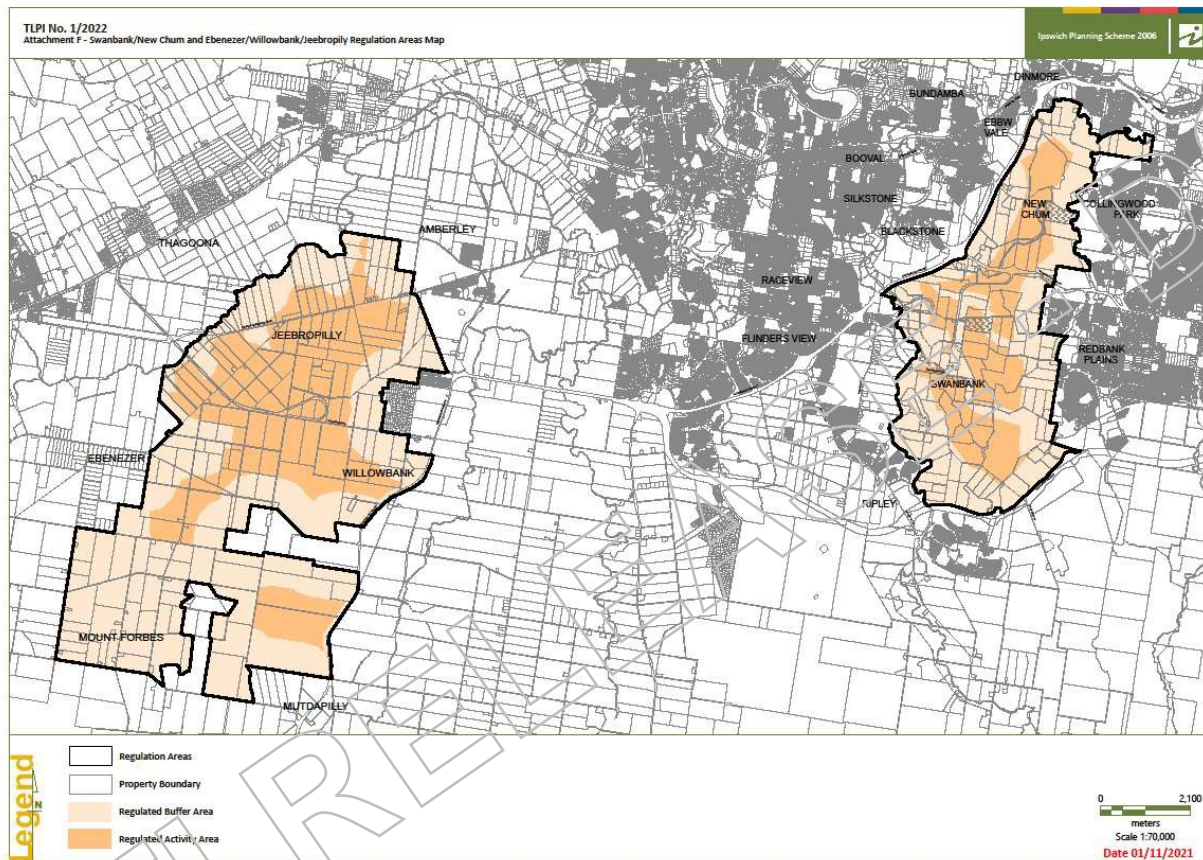


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

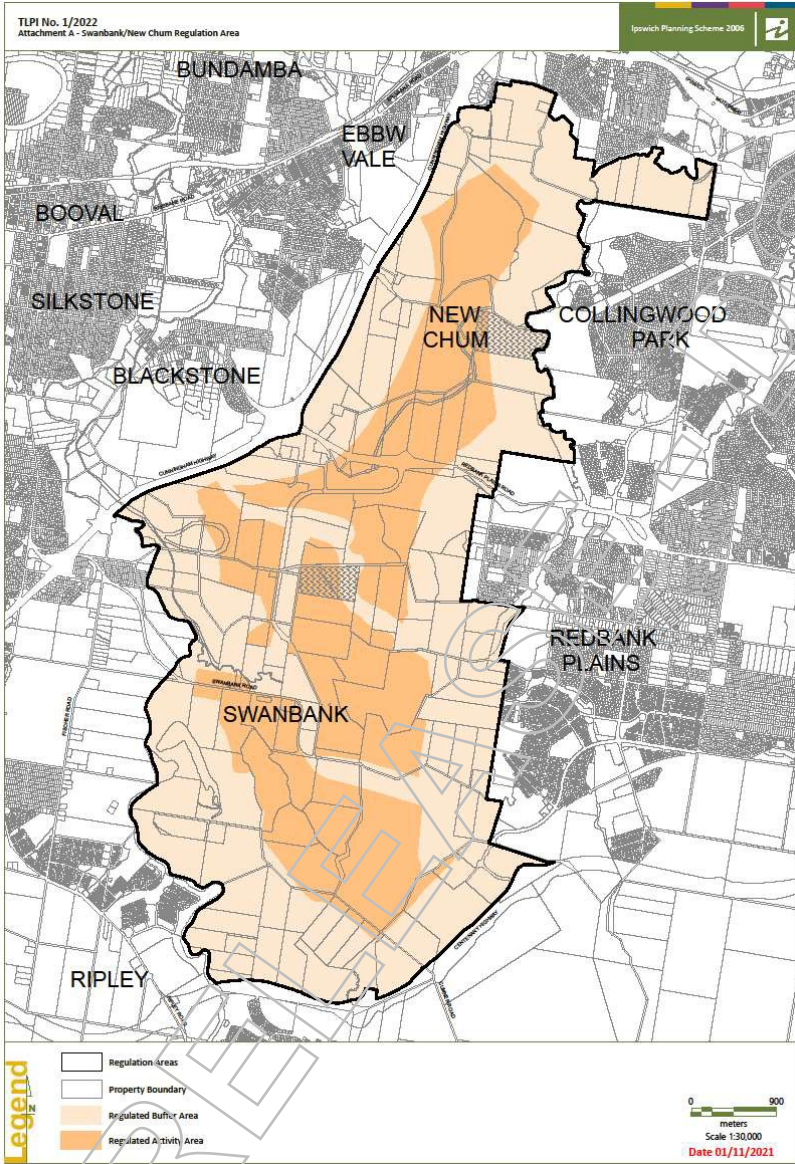
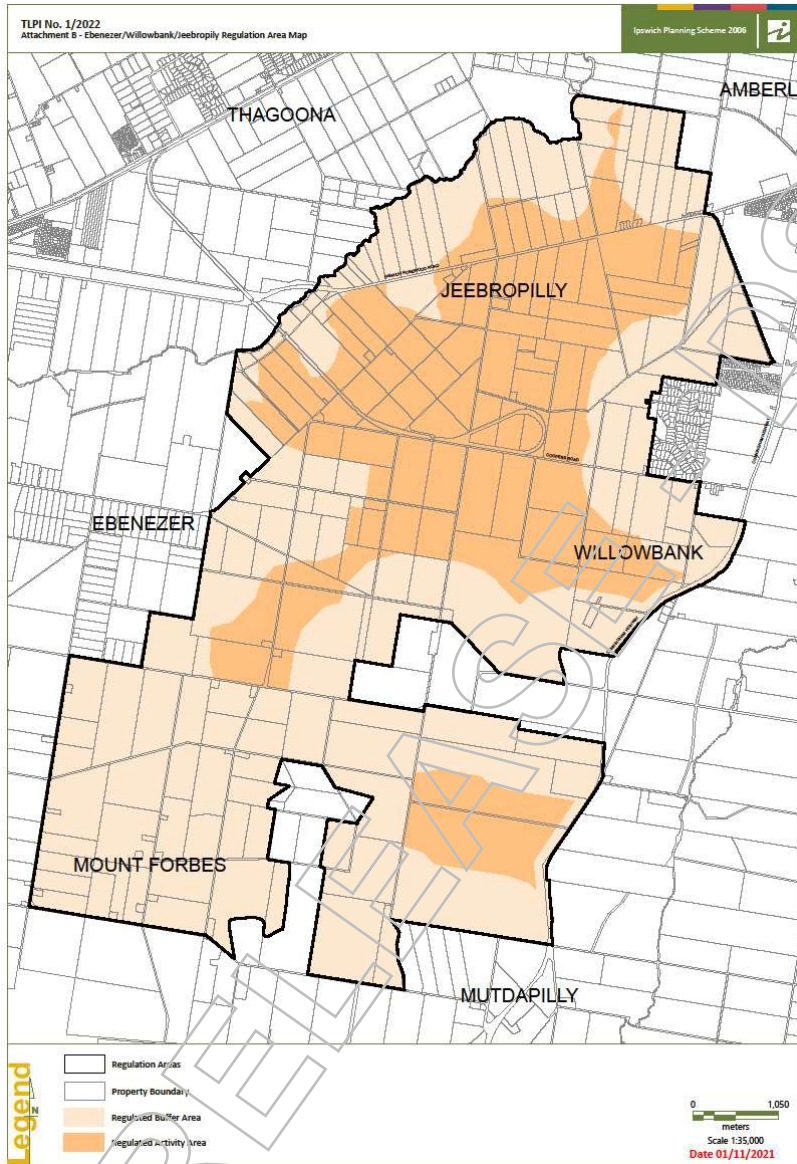


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EFW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EFW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EFW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EFW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EFW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EfW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EfW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
Defines Waste Activity and the various uses regulated by the TLPI.	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	Amended (supports expanded policy intent)	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
NA – does not address Energy from Waste	NA - does not address Energy from Waste	Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>New definition of enclosed and unenclosed composting simplified from the existing definition</p> <p>Additional provisions included to define certain terms (e.g. anaerobic digestion).</p> <p>Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).</p>	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:16 PM
To: [Redacted]
Cc: [Redacted]
Subject: ICC - Waste TLPI - UPDATE - consultation with council

Hi [Redacted]

I can confirm this morning departmental officers have briefed council officers on the ministers proposed TLPI and I can advise the following:

1. Energy for Waste provisions are supported.
2. The different land fill provisions for Swanbank and Ebenezer were not supported and that this will be an issue for councillors.
 - a. It's not clear exactly what officers are after, but the fall back will be that we carry over the current TLPI provisions for landfill in both TLPI areas into the ministers TLPI to maintain status quo.
3. The drafting changes were accepted in principle.

Council officers are intending on briefing the Mayor and council in the next 24hrs. I expect that we won't get councils formal feedback on the instrument until later in the week which may impact our program.

The feedback above is generally what we expected given the council has resolved to make its own TLPI and the landfill provisions are a departure from the intended policy.

I will keep you posted.

Please let me know if you have any questions.

[Redacted]



Executive Director
Planning and Development Services
Planning Group
 Department of State Development, Infrastructure,
 Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
 PO Box 15008, City East QLD 4002
statedevelopment.qld.gov.au

Follow us



*I acknowledge the traditional custodians of the lands and waters of Queensland.
 I offer my respect to elders past, present and emerging as we work towards a just,
 equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

Pages 603 through 607 redacted for the following reasons:

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:32 PM
To: [Redacted]
Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council

FYI – see below.

From: [Redacted]
Sent: Monday, 29 November 2021 12:24 PM

Subject: RE: ICC - Waste TLPI - UPDATE - consultation with council

Thank you for the update [Redacted]

Please see [Redacted] and I posted on the Councillor briefing by officers.



[Redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information
1 William Street Brisbane QLD 4000

From: [Redacted]
Sent: Monday, 29 November 2021 12:16 PM

Subject: ICC - Waste TLPI - UPDATE - consultation with council

Hi [Redacted]

I can confirm this morning departmental officers have briefed council officers on the ministers proposed TLPI and I can advise the following:

1. Energy for Waste provisions are supported.
2. The different land fill provisions for Swanbank and Ebenezer were not supported and that this will be an issue for councillors.
 - a. It's not clear exactly what officers are after, but the fall back will be that we carry over the current TLPI provisions for landfill in both TLPI areas into the ministers TLPI to maintain status quo.
3. The drafting changes were accepted in principle.

Council officers are intending on briefing the Mayor and council in the next 24hrs. I expect that we won't get councils formal feedback on the instrument until later in the week which may impact our program.

The feedback above is generally what we expected given the council has resolved to make its own TLPI and the landfill provisions are a departure from the intended policy.

I will keep you posted.

Please let me know if you have any questions.



Queensland Government
Planning and Development Services
Planning Group
Department of State Development, Infrastructure,
and Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 11, 1 William Street, Brisbane QLD 4000
PO Box 16000, St. Lucia QLD 4000

statedevelopment.qld.gov.au

Follow us
f t i in

I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.

RTI RELEASED - DSDILGP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:32 PM
To: Planning Group Correspondence
Cc: [Redacted]
Subject: Ipswich TLPI

Categories: FYI

Hi PG Corro team,

Has the department received any correspondence from the chief executive officer of Ipswich City Council in relation to the council resolved TLPI 01/2022?

If so, could you please advise ASAP?

Many thanks,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



From: [redacted]
To: [redacted]
Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council
Date: Monday, 29 November 2021 12:34:40 PM
Attachments: [image002.png](#)
[image004.png](#)
[image003.png](#)

GP

From: [redacted]
Sent: Monday, 29 November 2021 12:32 PM

Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council

FYI – see below.

From: [redacted]
Sent: Monday, 29 November 2021 12:24 PM

Subject: RE: ICC - Waste TLPI - UPDATE - consultation with council

Thank you for the update [redacted]

Please keep Pete and I posted on the Councillor briefing by officers.

[redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

1 William Street Brisbane QLD 4000

From: [redacted]
Sent: Monday, 29 November 2021 12:16 PM

Subject: ICC - Waste TLPI - UPDATE - consultation with council

Hi [redacted]

I can confirm this morning departmental officers have briefed council officers on the ministers proposed TLPI and I can advise the following:

1. Energy for Waste provisions are supported.

2. The different land fill provisions for Swanbank and Ebenezer were not supported and that this will be an issue for councillors.
 - a. It's not clear exactly what officers are after, but the fall back will be that we carry over the current TLPI provisions for landfill in both TLPI areas into the minsters TLPI to maintain status quo.
3. The drafting changes were accepted in principle.

Council officers are intending on briefing the Mayor and council in the next 24hrs. I expect that we won't get councils formal feedback on the instrument until later in the week which may impact our program.

The feedback above is generally what we expected given the council has resolved to make its own TLPI and the landfill provisions are a departure from the intended policy.

I will keep you posted.

Please let me know if you have any questions.



Executive Director
Planning and Development Services
Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

Follow us
   

*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:36 PM
To: [Redacted]
Subject: RE: ICC - Waste TLPI - UPDATE - consultation with council

Categories: FYI

Thanks [Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

DSDILGP

From: [Redacted]

Sent: Monday, 29 November 2021 12:32 PM

Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council

FYI – see below.

From: [Redacted]

Sent: Monday, 29 November 2021 12:24 PM

Subject: RE: ICC - Waste TLPI - UPDATE - consultation with council

Thank you for the update [Redacted]

Please keep [Redacted] and I posted on the Councillor briefing by officers.



[Redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

1 William Street Brisbane QLD 4000

From: [redacted]

Sent: Monday, 29 November 2021 12:16 PM

Subject: ICC - Waste TLPI - UPDATE - consultation with council

Hi [redacted]

I can confirm this morning departmental officers have briefed council officers on the ministers proposed TLPI and I can advise the following:

1. Energy for Waste provisions are supported.
2. The different land fill provisions for Swanbank and Ebenezer were not supported and that this will be an issue for councillors.
 - a. It's not clear exactly what officers are after, but the fall back will be that we carry over the current TLPI provisions for landfill in both TLPI areas into the ministers TLPI to maintain status quo.
3. The drafting changes were accepted in principle.

Council officers are intending on briefing the Mayor and council in the next 24hrs. I expect that we won't get councils formal feedback on the instrument until later in the week which may impact our program.

The feedback above is generally what we expected given the council has resolved to make its own TLPI and the landfill provisions are a departure from the intended policy.

I will keep you posted.

Please let me know if you have any questions.

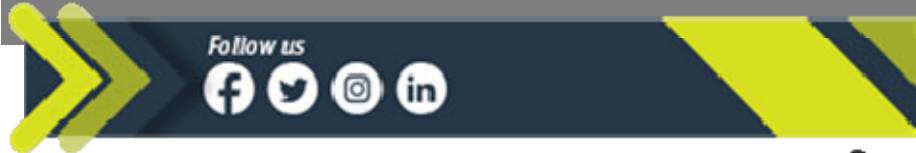
[redacted]



Executive Director
Planning and Development Services
Planning Group
 Department of State Development, Infrastructure,
 and Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 11, 111 William Street, Brisbane QLD 4000
 PO Box 16000, St. Louis QLD 4000
dirddevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
 I offer my respect to elders past, present and emerging as we work towards a just,
 equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:44 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: Ipswich TLPI

Categories: FYI

H [Redacted]

I got draft versions of the letter but nothing formal.

[Redacted]

Get [Outlook for iOS](#)

From: [Redacted]
Sent: Monday, November 29, 2021 12:31:35 PM
To: Planning Group Correspondence <PlanningGroupCorrespondence@dasilgp.qld.gov.au>
Cc: [Redacted]
Subject: Ipswich TLPI

Hi PG Corro team,
Has the department received any correspondence from the chief executive officer of Ipswich City Council in relation to the council resolved TLPI 01/2022?
If so, could you please advise ASAP?

Many thanks,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:35 PM
To: [Redacted]
Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council

GP

From: [Redacted]
Sent: Monday, 29 November 2021 12:32 PM

[Redacted]

Subject: FW: ICC - Waste TLPI - UPDATE - consultation with council

FYI – see below.

S

From: [Redacted]
Sent: Monday, 29 November 2021 12:24 PM

[Redacted]

Subject: RE: ICC - Waste TLPI - UPDATE - consultation with council

Thank you for the update [Redacted]

Please keep [Redacted] and I posted on the Councillor briefing by officers.



[Redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning
Sch. 4(4)(6) - Disclosing personal information
1 William Street Brisbane QLD 4000

From: [Redacted]
Sent: Monday, 29 November 2021 12:16 PM

[Redacted]

Subject: ICC - Waste TLPI - UPDATE - consultation with council

Hi [Redacted]

I can confirm this morning departmental officers have briefed council officers on the ministers proposed TLPI and I can advise the following:

- 1. Energy for Waste provisions are supported.

2. The different land fill provisions for Swanbank and Ebenezer were not supported and that this will be an issue for councillors.
 - a. It's not clear exactly what officers are after, but the fall back will be that we carry over the current TLPI provisions for landfill in both TLPI areas into the minsters TLPI to maintain status quo.
3. The drafting changes were accepted in principle.

Council officers are intending on briefing the Mayor and council in the next 24hrs. I expect that we won't get councils formal feedback on the instrument until later in the week which may impact our program.

The feedback above is generally what we expected given the council has resolved to make its own TLPI and the landfill provisions are a departure from the intended policy.

I will keep you posted.

Please let me know if you have any questions.



Queensland Government
Planning and Development Services
Planning Group
Department of State Development, Infrastructure and Government and Planning

Sch. 4(4)(6) - Disclosing personal information

100 St. Johns Avenue, Brisbane, QLD 4000
PO Box 16000, St. Johns, QLD 4000
statedevelopment.qld.gov.au

Follow us

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a first, equitable and reconciled Australia.

[Redacted]

From: Planning Correspondence
Sent: Monday, 29 November 2021 12:46 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Ipswich TLPI

Categories: FYI

Definitely nothing yet [Redacted] but I'll let you know when something comes in.

Regards

[Redacted]

[Redacted]

Correspondence Coordinator
Office of the State Planner
Planning Group
**Department of State Development,
Infrastructure, Local Government and Planning**

Sch. 4(4)(6) - Disclosing
personal information

Microsoft Teams – meet now
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002
dsdilgp.qld.gov.au

Unite & Recover 



**Queensland
Government**

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



From: [Redacted]
Sent: Monday, 29 November 2021 12:32 PM
To: Planning Group Correspondence <PlanningGroupCorrespondence@dsdilgp.qld.gov.au>

Subject: Ipswich TLPI

Hi PG Corro team,

Has the department received any correspondence from the chief executive officer of Ipswich City Council in relation to the council resolved TLPI 01/2022?

If so, could you please advise ASAP?

Many thanks,

[Redacted]



[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE SE - QLDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 12:46 PM
To: [Redacted]
Subject: Re: Urgent: seeking copy on COMSEQ

Follow Up Flag: Follow up
Flag Status: Completed

It's on their website 🗑️

Get [Outlook for iOS](#)

From [Redacted]
Sent: Monday, November 29, 2021 12:45:15 PM

Subject: RE: Urgent: seeking copy on COMSEQ
Rescinding previous email – here it is:
[publications/2AtDcVtbrulqXtDbr6kV.pdf \(firebasestorage.googleapis.com\)](#)



[Redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) - Disclosing personal information

From: [Redacted]
Sent: Monday, 29 November 2021 12:44 PM

Subject: Urgent: seeking copy on COMSEQ
Hi [Redacted]
Do you have a copy of the SEQ Waste Management Plan, cited in below statement?
Urgently required for briefing purposes.
[Queensland Government and CoMSEQ working together to fight the war on waste - Ministerial Media Statements](#)



[Redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Microsoft teams – [meet now](#)
Sch. 4(4)(6) - Disclosing personal information
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 3:16 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Updated Ipswich City Council letter
Attachments: DRAFT letter for Ipswich Mayor - updated (002).docx

Hi [Redacted]

Recommended changes attached – in track changes.

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 2:18 PM

[Redacted]

Subject: FW: Updated Ipswich City Council letter

Hey [Redacted]

As discussed. Please check the accuracy of TLPI lines.

Thanks

[Redacted]



[Redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information
1 William Street Brisbane QLD 4000

From: [Redacted]
Sent: Monday, 29 November 2021 2:03 PM

[Redacted]

Subject: RE: Updated Ipswich City Council letter

Hi Team

Updated letter attached. This has been reviewed by Planning and OCG.

Thanks

[Redacted]



Director

Office of the Director-General

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal
information

Level 39, 1 William Street, Brisbane QLD 4002
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

DRAFT

Dear Mayor Harding,

Thank you for our meeting on 22 November 2021 to discuss a range of matters important to Ipswich City Council and the community. I appreciate the council's efforts to work in partnership with the State Government through the Waste Taskforce and the associated initiatives. I am acutely aware of the impacts the waste industry has on your community and I am eager to pursue opportunities that support a sustainable and improved waste future for the region.

Given our recent discussions, this letter provides an update on key matters that may be of interest to you.

s. 73(2) - Not relevant/ Out of scope

Temporary Local Planning Instruments (TLPI)

I am advised that council has resolved to submit to the Planning Minister for approval, a consolidated version of the two current TLPIs regulating waste management in Swanbank/New Chum, and Ebenzer/Willowbank/Jeeropilly. As there remains significant interest from the waste industry to invest in Ipswich, the continuation of some form of regulation in a TLPI is critical to maintaining an effective assessment framework to assess waste activities in Ipswich while council prepares a new planning scheme.

I understand that a new TLPI must be in place by 25 January 2022 before the current Ebenzer/Willowbank/Jeeropilly TLPI expires.

s. 73(2) - Not relevant/ Out of scope

s. 73(2) - Not relevant/ Out of scope

I am aware that many of these matters are independent of each other. But I believe that it is important for you and I to maintain a high level of communications that allows us to work through and tackle these issue in a way that addresses both council's and the Queensland Government's interests in this space.

Thank you again. I appreciate your involvement and engagement in progressing the matters for both Ipswich residents and people across South East Queensland.

Regards

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 4:01 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Updated Ipswich City Council letter
Attachments: DRAFT letter for Ipswich Mayor - updated (002).docx

Hi [Redacted]

Please find attached the updated version of the letter. I have made changes to ensure the reference to the TLPI's is correct.

Thanks,

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 3:16 PM

Subject: RE: Updated Ipswich City Council letter

Hi [Redacted]

Recommended changes attached – in track changes.

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 2:18 PM

Subject: FW: Updated Ipswich City Council letter

Hey [Redacted]

As discussed. Please check the accuracy of TLPI lines.

Thanks

[Redacted]

 [Redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) - Disclosing personal information
171 William Street Brisbane QLD 4000

From: [Redacted]

Sent: Monday, 29 November 2021 2:03 PM

Subject: RE: Updated Ipswich City Council letter

Hi Team

Updated letter attached. This has been reviewed by Planning and OCG.

Thanks

[Redacted]



[Redacted]

Director
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 39, 1 William Street, Brisbane QLD 4002
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

DRAFT

Dear Mayor Harding,

Thank you for our meeting on 22 November 2021 to discuss a range of matters important to Ipswich City Council and the community. I appreciate the council's efforts to work in partnership with the State Government through the Waste Taskforce and the associated initiatives. I am acutely aware of the impacts the waste industry has on your community and I am eager to pursue opportunities that support a sustainable and improved waste future for the region.

Given our recent discussions, this letter provides an update on key matters that may be of interest to you.

s. 73(2) - Not relevant/ Out of scope

Temporary Local Planning Instruments (TLPI)

I am advised that council has resolved to submit to the Planning Minister for approval, a consolidated version of the two current TLPIs regulating waste management in Swanbank/New Chum, and Ebenzer/Willowbank/Jeeropilly. As there remains significant interest from the waste industry to invest in Ipswich, the continuation of some form of regulation in a TLPI is critical to maintaining an effective assessment framework to assess waste activities in Ipswich while council prepares a new planning scheme.

I understand that a new TLPI must be in place by 25 January 2022 before the current Ebenzer/Willowbank/Jeeropilly TLPI expires.

s. 73(2) - Not relevant/ Out of scope

s. 73(2) - Not relevant/ Out of scope

I am aware that many of these matters are independent of each other. But I believe that it is important for you and I to maintain a high level of communications that allows us to work through and tackle these issue in a way that addresses both council's and the Queensland Government's interests in this space.

Thank you again. I appreciate your involvement and engagement in progressing the matters for both Ipswich residents and people across South East Queensland.

Regards

[Redacted]

From: [Redacted]

Sent: Monday, 29 November 2021 4:13 PM

To: [Redacted]

Subject: FW: DP DG paper Waste management and related activities - Ipswich City Council- 26 November 2022

Attachments: DP DG paper Waste management and related activities - Ipswich City Council- 26 November 2022.docx

Follow Up Flag: Follow up

Flag Status: Completed

FYI

From: [Redacted]

Sent: Thursday, 25 November 2021 12:49 PM

[Redacted]

Subject: RE: DP DG paper Waste management and related activities - Ipswich City Council- 26 November 2022

Hi again

s. 73(2) - Not relevant/ Out of scope

Cheers

From: [Redacted]

Sent: Thursday, 25 November 2021 11:14 AM

[Redacted]

Subject: DP DG paper Waste management and related activities - Ipswich City Council- 26 November 2022

Thanks everyone – final version attached – as provided to the DG’s office.

Cheers



[Redacted]

Director
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing
personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 611, Brisbane QLD 4001

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

Waste management and related activities

Ipswich City Council

RTI RELEASE - DSDIL GP

Deputy Premier/Director-General Weekly Meeting

Waste management and related activities

Issue

- Ipswich City Council (ICC) receives, and processes most of the waste generated in South East Queensland and other closely located jurisdictions.
- Both the community and ICC have long held concerns about the environmental and health implications associated with storing and processing waste particularly near, or visible to, residential properties.
- There continues to be significant interest from operators to grow the waste industry in Ipswich.
- Through the Resource Recovery Industries 10-year Roadmap and Action Plan (Roadmap), the government continues to support the growth of the industry across Queensland, with the aim of moving beyond waste management into recycling, remanufacturing and development of secondary markets.
- The increasing market interest together with escalating community concerns is highlighting the need to update and refine the current regulatory framework to better regulate and manage the expansion of waste related industries in Ipswich.
- Recognising this, ICC established a Joint Taskforce with DSDILGP, DES and ICC. The Taskforce membership is at the Director-General and CEO level along with their relevant Deputy Directors-General and General Managers.
- The Joint Taskforce has developed a program of collaborative work to address agreed priority issues and maximise economic opportunities arising from the waste management, resource recovery and re-manufacturing industries in Ipswich.
- The matters in this brief are components of this work program and require a coordinated and consistent approach across government.
- To support consistency across government, DES and DSDILGP have agreed to establish and co-chair an Inter-Departmental Committee to ensure the policy, regulatory and industry development strategies are aligned and delivered at agreed points in time.

s. 73(2) - Not relevant/ Out of scope

s. 73(2) - Not relevant/ Out of scope

Temporary Local Planning Instruments

- In 2020, two Temporary Local Planning Instruments (TLPI) were introduced to provide interim controls for certain waste activities in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly (**Figure 1**) industrial areas. The existing TLPI's are described as:
 - TLPI No. 1 of 2020 (Waste Activity Regulation) over the Swanbank / New Chum industrial area. This TLPI was made by the previous Planning Minister and is in effect until 1 April 2022.
 - TLPI No. 2 of 2020 (Waste Activity Regulation) over the Ebenezer / Willowbank / Jeebropilly industrial area. This TLPI was made by the council and is in effect until 27 January 2022.
- ICC is now proposing to consolidate the current TLPIs and has recently submitted a draft TLPI to the Minister for approval.
- The ICC draft TLPI includes updated, and arguably onerous assessment provisions which may result in all future applications for landfills in the TLPI area being refused. If implemented, the TLPI could have the effect of prohibiting new landfills or expansions to existing landfills as it seeks to severely limit landfill types.
- The proposed TLPI provisions also clearly signal ICC's policy intent to further limit these types of uses into the future via the new draft planning scheme - expected to be in place at the end of 2023.
- The ICC draft TLPI does not include provisions for Energy from Waste uses.
- The department is currently exploring options to refine ICC's draft TLPI to:
 - include appropriate assessment benchmarks to assess Energy from Waste proposals
 - re-structure the code provisions to protect residential amenity, health and environmental concerns in Swanbank
 - explore opportunities to support certain types of waste activities (including a broader range of materials for landfills) in the Ebenezer/Willowbank/Jeebropilly
 - improve the overall workability of the TLPI.
- Discussion have been held with ICC staff on the proposed changes to the TLPI. It is unlikely that ICC would support the refinements which allow for a greater variety of landfill types.
- The proposed TLPI, whether council or state led, is required to be placed by 25 January 2022 before

s. 73(2) - Not relevant/ Out of scope

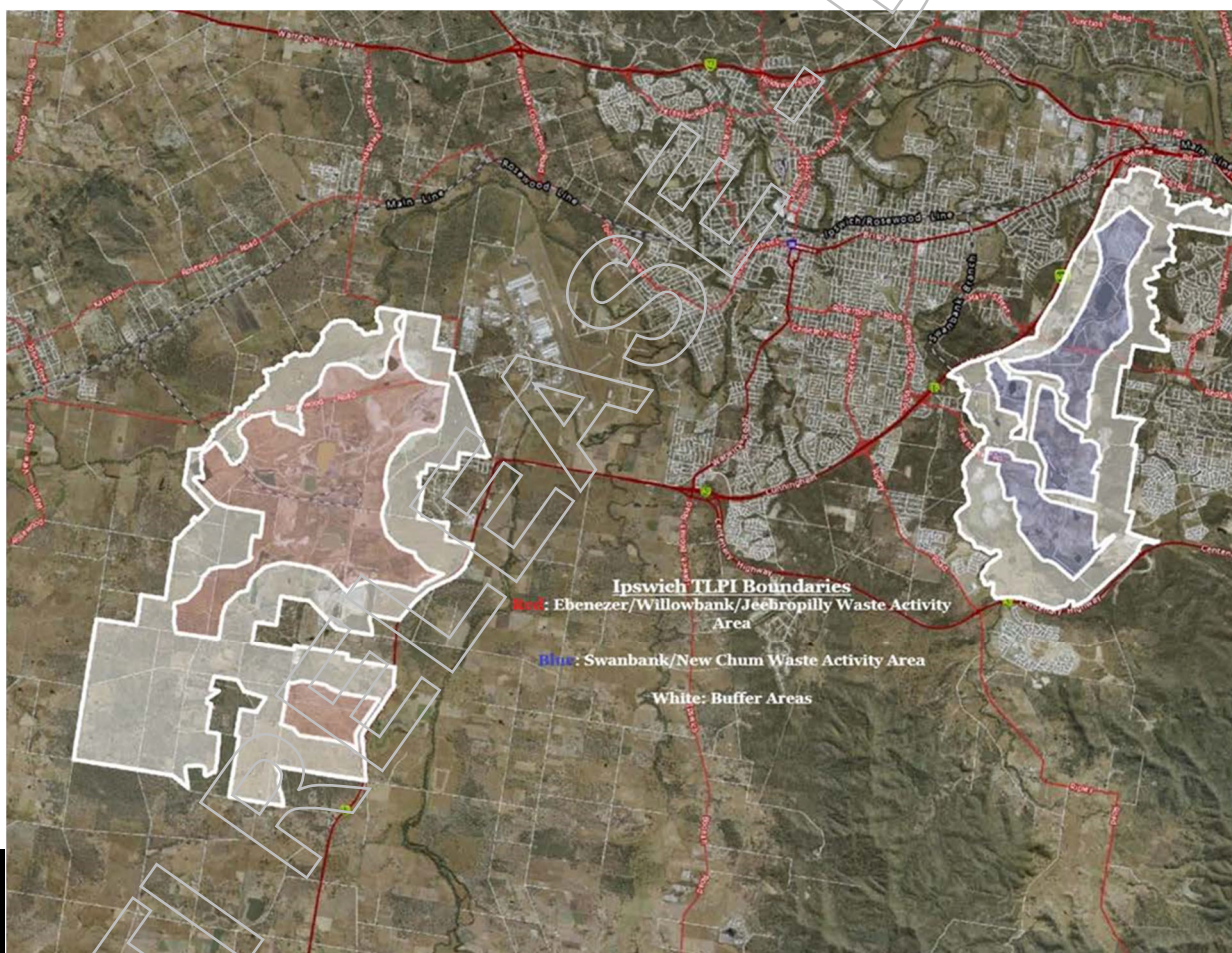
Pages 636 through 637 redacted for the following reasons:

s. 73(2) - Not relevant/ Out of scope

RTI RELEASE - DSDIL GP

s. 73(2) - Not relevant/ Out of scope

Figure 1 – Swanbank and New Chum area of TLPI No.1 of 2020 and Ebenezer-Willowbank-Jeebropilly area of TLPI No.2 of 2020



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 4:30 PM
To: [Redacted]
Subject: Media statements

<https://statements.qld.gov.au/>

Regards,

[Redacted]

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 4:58 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Dept reps for Waste meeting with Ipswich MPs - Wed 1 Dec 8.15-8.45am Parliament

Categories: FYI

Hi [Redacted]

The DP's Office is hosting a joint briefing with Min Scanlon's office to the four Ipswich MPs (Members for Jordan, Bundamba, Ipswich and Ipswich West) this Wednesday 1 December, 8.15-8.45am at Parliament.

Agenda:

1. Ipswich TLPs (Planning)

s. 73(2) - Not relevant/ Out of scope
[Redacted]

DPO have suggested the best attendees would be either [Redacted] from Planning and [Redacted]. Are you able to confirm whether [Redacted] are best placed to attend?

[Redacted] Are you able to advise of your availability to attend?

Thanks so much.

[Redacted]



[Redacted]

Director
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 39, 1 William Street, Brisbane QLD 4002
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

[Redacted]

From:

[Redacted]

Sent:

Monday, 29 November 2021 5:28 PM

To:

[Redacted]

Cc:

Subject:

FW: Deputy Premier Letter Mayor Harding - Waste

Attachments:

Deputy Premier Letter Mayor Harding - Waste.docx

Hey

[Redacted]

This is just an FYI - the attached letter was drafted but was not signed or sent.

It can be found under OUT21/5665.

Thanks

[Redacted]



[Redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information

William Street Brisbane QLD 4000

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: OUT21/5665

Councillor Teresa Harding
Mayor
Ipswich City Council
mayor@ipswich.qld.gov.au

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone + 61 3719 7100
Email deputy.premier@ministerial.qld.gov.au
Website www.statedevelopment.qld.gov.au
ABN 65 959 415 158

Dear Councillor Harding

Thank you for our meeting on 22 November 2021 to discuss a range of matters important to Ipswich City Council and the community. I appreciate the council's efforts to work in partnership with the State Government through the Waste Taskforce and the associated initiatives. I am acutely aware of the impacts the waste industry has on your community and I am eager to pursue opportunities that support a sustainable and improved waste future for the region.

Given our recent discussions, this letter provides an update on key matters that may be of interest to you.

s. 73(2) - Not relevant/ Out of scope

Temporary Local Planning Instruments (TLPIs)

I am advised that council resolved to make and submit a new TLPI (Temporary Local Planning Instrument No. 1 of 2022 – Resource Recovery and Waste Activity Regulation) to replace two existing TLPIs for waste activity regulation that will expire in early 2022. I understand that a new TLPI must be in place by 25 January 2022 before the current Ebenzer/Willowbank/Jeeropilly TLPI expires.

s. 73(2) - Not relevant/ Out of scope

I am aware that many of these matters are independent of each other. But I believe that it is important for you and me to maintain a high level of communication that allows us to work through and tackle these issues in a way that addresses the issues of both Council and the Queensland Government.

Thank you again. I appreciate your involvement and engagement in progressing the matters for both Ipswich residents and people across South East Queensland.

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympic Infrastructure

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 5:20 PM
To: [Redacted]
Subject: FW: Deputy Premier Letter Mayor Harding - Waste
Attachments: Deputy Premier Letter Mayor Harding - Waste.docx
Categories: FYI

fyi



[Redacted]

State Planner & Deputy Director-General
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



From [Redacted]

Sent: Monday, 29 November 2021 5:19 PM

[Redacted]

Subject: RE: Deputy Premier Letter Mayor Harding - Waste

Hi all

Confirming this version has been saved to Source.

[Redacted] as discussed I'll take my computer with me tonight. If the letter needs to be sent please text me on [Redacted] and I will log on to send.

Thanks.

D
is
clos
ing
p
er
sonal
i
nf
orma
tion

Sch. 4(4)(6) -
Disclosing
personal
information

Kind regards

[Redacted]

Manager
Executive Services Unit
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning
Microsoft Teams – [meet now](#)

Sch. 4(4)(6) -
Disclosing personal
information
Level 39, 1 William Street, Brisbane, QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

DILGP

From: [Redacted]

Sent: Monday, 29 November 2021 5:14 PM

[Redacted]

Subject: RE: Deputy Premier Letter Mayor Harding - Waste

Hi all,

Please see attached latest version of OUT21/5665. Can this version please be uploaded to source.

Please note this letter was not signed by the DP as part of MBN21/1567. It is not to be sent.

Thank you

[Redacted]



[Redacted]
Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information
Level 39, 1 William Street Brisbane QLD 4000

From: [Redacted]

Sent: Monday, November 29, 2021 4:11 PM

[Redacted]

Subject: RE: Deputy Premier Letter Mayor Harding - Waste

Hi all

I have created as OUT21/5665 and saved under MC21/4687. Updated letter attached.

RT

Kind regards

[Redacted]

Manager
Executive Services Unit
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning
Microsoft Teams – [meet now](#)

Sch. 4(4)(6) -
Disclosing personal
information
Level 39, 1 William Street, Brisbane, QLD 4002
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

DILGP

From: [Redacted]

Sent: Monday, 29 November 2021 4:06 PM

[Redacted]

Subject: RE: Deputy Premier Letter Mayor Harding - Waste

Hey [Redacted] sorry. Can I have 10 more minutes please?

Thanks

[Redacted]



[Redacted]

Director
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal
information
Level 39, 1 William Street, Brisbane QLD 4002
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

From [Redacted]

Sent: Monday, 29 November 2021 4:00 PM

[Redacted]

Subject: Deputy Premier Letter Mayor Harding - Waste

Hi [Redacted]

Can I please get a Source reference number for the attached DP letter to Mayor Harding.

Can you please connect this letter to MBN21/1567 in Source.

Thank you

[Redacted]



[Redacted]

Department Liaison Officer
Office of the Hon. Steven Miles MP
Deputy Premier and Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

Sch. 4(4)(6) -
Disclosing personal
information
1 William Street Brisbane QLD 4000

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: OUT21/5665

Councillor Teresa Harding
Mayor
Ipswich City Council
mayor@ipswich.qld.gov.au

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone + 61 3719 7100
Email deputy.premier@ministerial.qld.gov.au
Website www.statedevelopment.qld.gov.au
ABN 65 959 415 158

Dear Councillor Harding

Thank you for our meeting on 22 November 2021 to discuss a range of matters important to Ipswich City Council and the community. I appreciate the council's efforts to work in partnership with the State Government through the Waste Taskforce and the associated initiatives. I am acutely aware of the impacts the waste industry has on your community and I am eager to pursue opportunities that support a sustainable and improved waste future for the region.

Given our recent discussions, this letter provides an update on key matters that may be of interest to you.

s. 73(2) - Not relevant/ Out of scope

Temporary Local Planning Instruments (TLPis)

I am advised that council resolved to make and submit a new TLPI (Temporary Local Planning Instrument No. 1 of 2022 – Resource Recovery and Waste Activity Regulation) to replace two existing TLPis for waste activity regulation that will expire in early 2022. I understand that a new TLPI must be in place by 25 January 2022 before the current Ebenzer/Willowbank/Jeeropilly TLPI expires.

s. 73(2) - Not relevant/ Out of scope

I am aware that many of these matters are independent of each other. But I believe that it is important for you and me to maintain a high level of communication that allows us to work through and tackle these issues in a way that addresses the issues of both Council and the Queensland Government.

Thank you again. I appreciate your involvement and engagement in progressing the matters for both Ipswich residents and people across South East Queensland.

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympic Infrastructure

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 5:33 PM
To: [Redacted]
Cc: [Redacted]
Subject: Package 2: Final making

Hi [Redacted]

In relation to **Package 2**, [Redacted] and I have started drafting the:

- DP BN
- Letter to Council – Final making
- Draft Gazette and Public Notice
- Human Rights Assessment
- PAR

These docs are here FYI:

[SEQW - plan making - Briefing material - All Documents \(sharepoint.com\)](#)

I'm heading off for the day but can re-group tomorrow.

Kind regards,



**Queensland
Government**

[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I agree to respect all elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 9:01 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Draft TLPI documents
Attachments: Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

Thanks,

[Redacted]



[Redacted] | Manager, City Design
City Design Branch
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL | **Sch. 4(4)(6) - Disclosing personal information**



Confidential Communication | [Email Disclaimer](#)

From: [Redacted]
Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents
Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

RTI RELEASED

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EfW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EfW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EfW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EfW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

Commented [BD1]: Some of this content was intended to inform the community.

Commented [BD2]: Suggest reconsider this for community awareness.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EFW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EFW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EFW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

Commented [BD3]: This is not entirely true, not all voids will be restored under the MRA. Either they are not required to be filled / remediated or the tenure is no longer in place.

Commented [BD4]: I don't think the changes have reflected this well. But in my opinion all voids should be supported for rehabilitating a void.

Commented [BD5]: All voids will not be filled under the MRA, so this should be reinstated.

Commented [BD6]: Why isn't this position maintained for Willowbank / Ebenezer?

Commented [BD7]: Why is this the case, there are voids within 750m of the existing residents.

Commented [BD8]: There are some differences between Swanbank and Willowbank / Ebenezer in the drafts which should be corrected.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

- Commented [BD9]:** Note other comments in document and TLPI.
- Commented [BD10]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD11]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD12]:** Don't agree with this change.
- Commented [BD13]:** This is already likely to happen, but I don't think this is effective as discussed.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	<p>Amended (supports expanded policy intent)</p>	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
<p>NA – does not address Energy from Waste</p>	<p>NA - does not address Energy from Waste</p>	<p>Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.</p>	<p>New</p>	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

Commented [BD14]: What's the rationale for this?

Commented [BD15]: Some potential implications on landfill gas electricity generation and the potential for small scale incineration.

Commented [BD16]: This isn't an outcome change in this draft, it was in the icc version

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum, to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	New definition of enclosed and unenclosed composting simplified from the existing definition Additional provisions included to define certain terms (e.g. anaerobic digestion). Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

Commented [BD17]: This is a concern as discussed.

Commented [BD18]: This was an advancement from Council's draft

Commented [BD19]: I am not sure if the states version have advanced these any more than the council version?

RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~1.2. In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

~~1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R5]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND7]: Insertion to address assessment of energy from waste development

Commented [BD8R7]: Capitalised as its defined?

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM9]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

Commented [BD10R9]: Mapping is titled (on plan) which needs consideration.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

Commented [ND11]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD12]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [ND13]: Amended to clarify purpose of TLPI

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

(c) includes additional definitions for Defined Uses and Use Classes for:

- (i) Clean Earth;
- (ii) Compost Manufacturing Enclosed;
- (iii) Compost Manufacturing Unenclosed;
- ~~(iii)~~(iv) Energy from Waste Facility;
- ~~(iv)~~(v) Landfill;
- ~~(v)~~(vi) Void;
- ~~(vi)~~(vii) Resource Recovery Facility;
- ~~(vii)~~(viii) Restoring a Void; and
- ~~(viii)~~(ix) Waste Activity.

(d) includes two regulation areas:

- (i) Regulated Buffer Area; and
- (ii) Regulated Activity Area.

(e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and

(f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND14]: New section – provides context to address development involving energy from waste

Commented [UM15]: New definition, as TLPI now regulates EfW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND16]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD17R16]: I feel that this has a place in the document, especially considering community perceptions.

PART 4 – DURATION OF TLPI

4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.

4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –

- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND18]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND19]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND20]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND21]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

Formatted: Character scale: 100%

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND22]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND23]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND24]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved/assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
- (a) Sensitive Receiving Uses are:
 - (i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;
 - (ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void/Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
 - (iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) Waste Activities do not limit the establishment of productive current and future uses on any premises;
 - (ii) environmental values are protected;
 - (iii) identified green and open space areas are enhanced/protected; economic opportunities are maximised for the long term;
 - (iii) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;
 - (iv) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;
 - (v) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and
 - (vi) achieve appropriate rehabilitation outcomes for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
 - (e) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

- Commented [ND25]:** Deleted – heading contains content
- Commented [UM26]:** Updated for editing purposes.
- Commented [UM27]:** As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.
- Commented [UM28]:**
- Commented [UM29]:** Part 3 of the TLPI.
- Formatted:** Font: (Default) Arial, 10 pt
- Formatted:** Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm
- Commented [UM30]:** Added – provides link to the relevant assessment provisions for different locations within TLPI.
- Commented [BD31]:** What's the purpose of this clause?
- Commented [BD32]:** Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.
- Commented [ND33]:** Amendments:
 - Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
 - Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
 - Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area m [1]
- Commented [ND34]:** Ensure assessment benchmarks have pathway to escalate assessment of development [2]
- Commented [BD35R34]:** Have you also considered the place of small-scale energy from waste facilities and th [3]
- Commented [BD36]:** This definition includes existing and proposed.
- Commented [BD37]:** Impacts could be well beyond noise, odour and dust.
- Commented [ND38]:** Inserted to allow appropriate assessment of energy from waste facilities
- Commented [ND39]:** Determining appropriateness of development will occur through assessment against rel [4]
- Commented [BD40R39]:** Void restoration will not always occur under the MRA as not all voids have active minin [5]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;**
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) Particular Waste Activities in the Regulated Buffer Area do not occur;

(c) Waste Activities are only established in the Regulated Activity Area where:

- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and

Commented [ND41]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD42]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (d)(f) ~~extension or expansion of a lawfully existing waste facility or premises results in:~~
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) ~~improvements to the management of adverse off-site impacts~~ ~~by implementing best practice;~~
 - (iii) ~~improved environmental performance;~~
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities/Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND43]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND44]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.~~

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND45]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND46]: Inserted to refer to relevant table

Commented [ND47]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD48]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [ND49]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND50]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND51]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND52]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD53R52]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [BD54]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND55]: Deleted – assessed under another specific outcome.

Commented [ND56]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND57]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM58]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p>No probable solution provided</p>

Commented [ND59]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND60]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD61R60]: Isn't this clause now unclear?

Commented [ND62]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD63R62]: Is this an assessment benchmark for code assessment in the new location?

Commented [ND64]: Deleted. New specific outcome added above.

Commented [BD65R64]: I don't think the new SO works as noted above.

ATTACHMENT DB: Table 4 – Table of Assessment and Relevant Assessment Criteria

Commented [ND66]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM67]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD68]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [BD69]: Broader assessment benchmarks required. Check references to sections.

Commented [BD70]: As above.

Commented [BD71]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [BD72]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM73]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 Energy from Waste facility means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

8-48.5 *“Finished Product” means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)*

8-58.6 *“Landfill” means—*

- (a) *the use of land for the disposal of any waste other than Clean Earth; and*
- (b) *includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).*

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 *“Regulated Activity Area” means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.*

8-78.8 *“Regulated Buffer Area” means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.*

8-88.9 *“Restoring a void” means—*

- (a) *the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.*

Commented [ND74]: New definition. Address energy from waste matter.

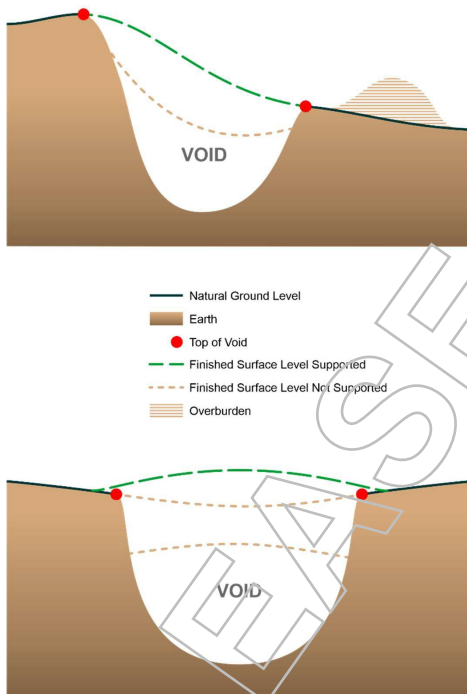
Definition consistent with DES' Waste Policy (June 2020)

Commented [BD75R74]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) [Energy from Waste facility](#)

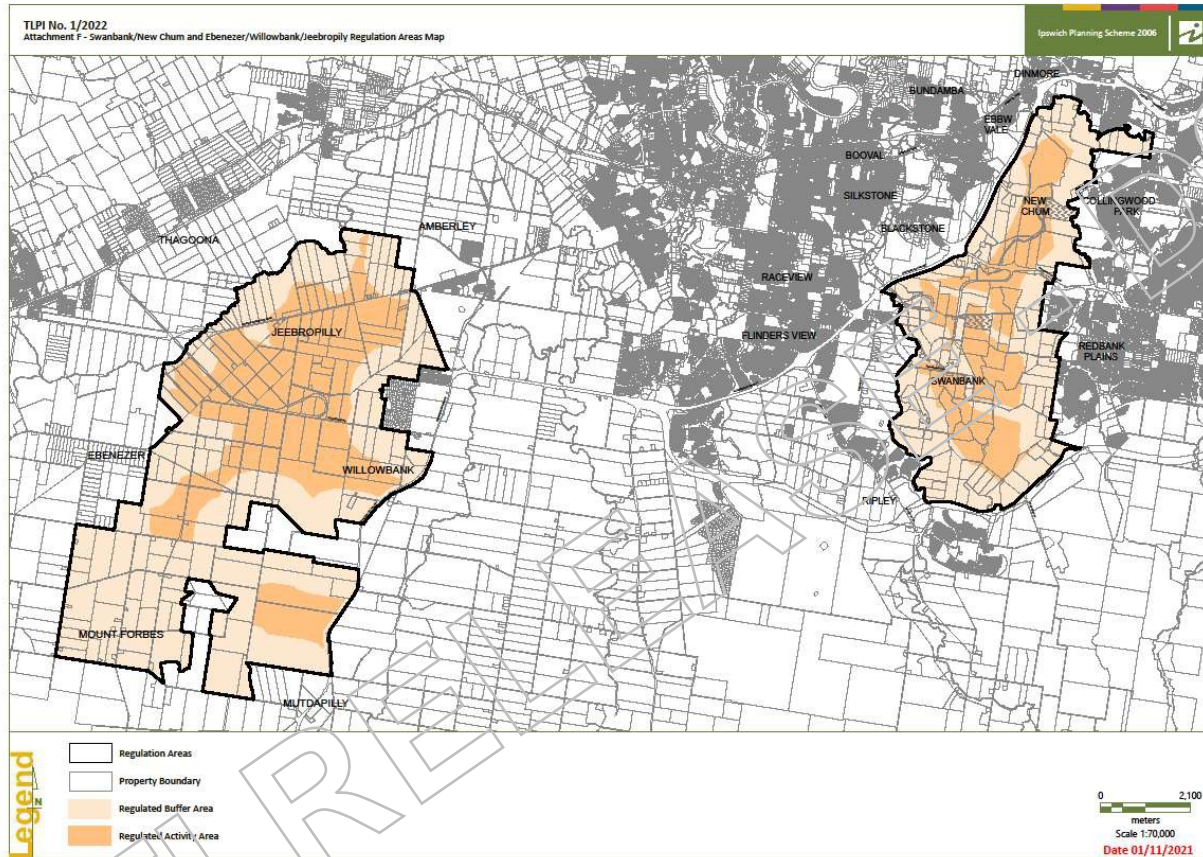
Commented [ND76]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)(iv)~~ "Landfill";
~~(iv)(v)~~ "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT FIGURE 1: TLPI BOUNDARY



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD77]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

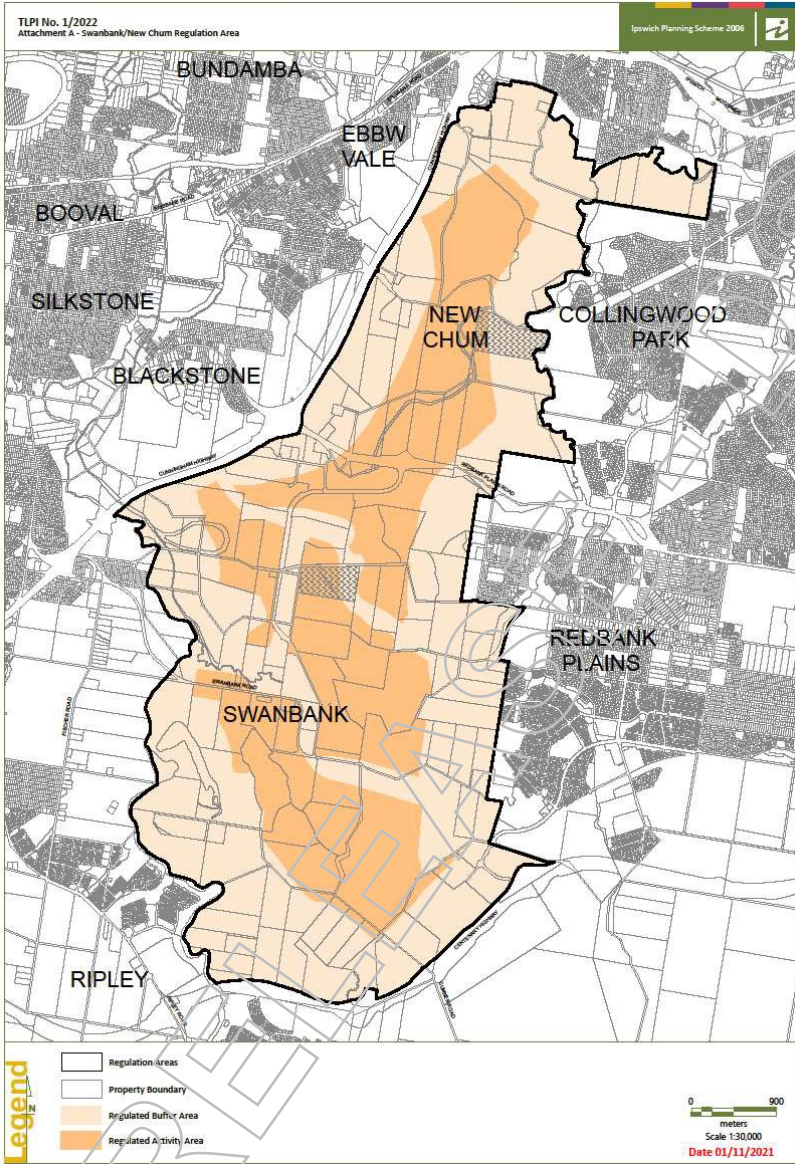
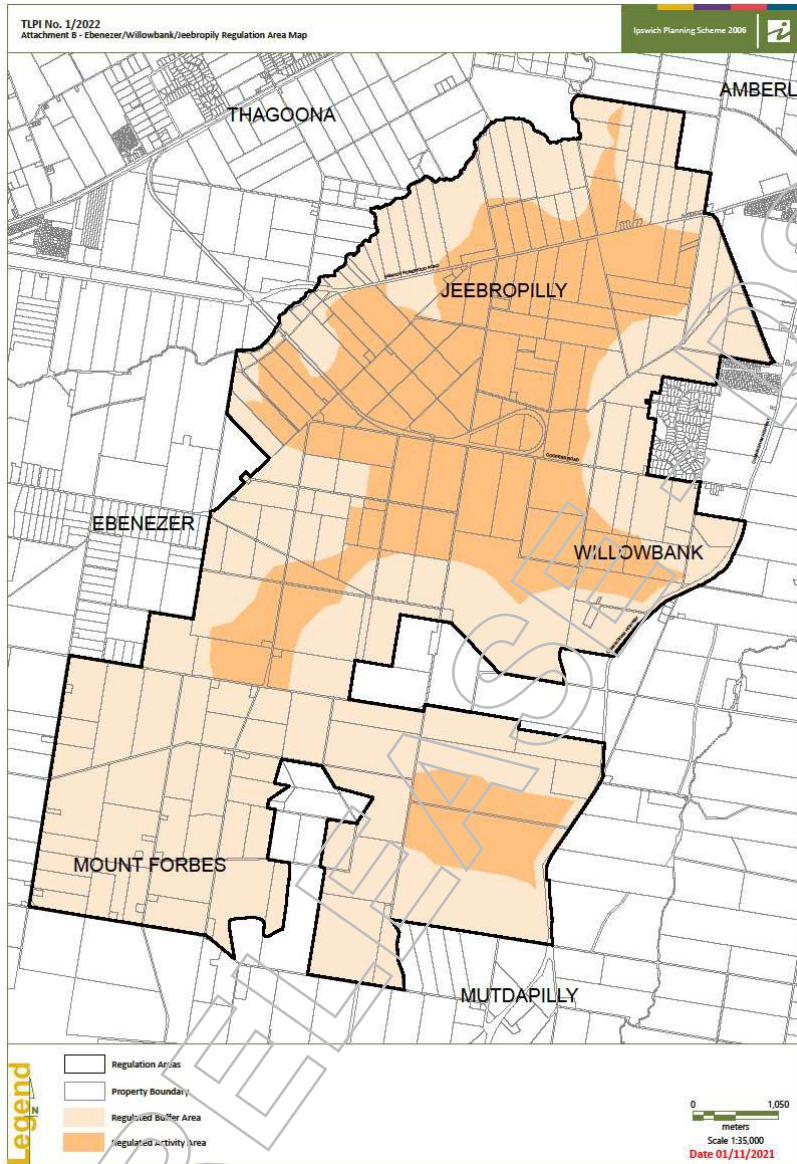


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



Page 12: [1] Commented [ND33]

28/11/2021 4:13:00 PM

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [2] Commented [ND34]

28/11/2021 4:18:00 PM

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [3] Commented [BD35R34]

29/11/2021 2:00:00 PM

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [4] Commented [ND39]

28/11/2021 4:20:00 PM

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [5] Commented [BD40R39]

29/11/2021 2:03:00 PM

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

[Redacted]

From:
Sent:
To:
Cc:
Subject:

[Redacted]

Monday, 29 November 2021 9:03 PM

[Redacted]

Re: Draft TLPI documents

Thank you [Redacted]

Appreciate the quick turnaround today.

[Redacted]

Get [Outlook for Android](#)

From:

[Redacted]

Sent: Monday, November 29, 2021, 9:01 PM

[Redacted]

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

Thanks,

[Redacted]



[Redacted]

Manager, City Design

City Design Branch
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T

Sch. 4(4)(6) -
Disclosing personal
information



Confidential Communication | [Email Disclaimer](#)

From

Sent: Monday, 29 November 2021 12:06 PM

Subject: Draft TLPI documents

Importance: High

Hi

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Your reference
Our reference
Contact Officer
Telephone



Ipswich City Council

45 Roderick Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6666

Fax (07) 3810 6731

Email council@ipswich.qld.gov.au

ipswich.qld.gov.au

Damien Walker
Director-General
Department of State Development, Infrastructure,
Local Government and Planning
damien.walker@dasilgp.qld.gov.au

29 November 2021

Dear Damien

Re: Temporary Local Planning Instrument 1 of 2022 – Ipswich City Council

On 18 November 2021 Council resolved to make a new Temporary Local Planning Instrument, being Temporary Local Planning Instrument 1 of 2022: Resource Recovery and Waste Activity Regulation (proposed TLPI), in accordance with the *Planning Act 2016*.

The proposed TLPI is intended to replace Temporary Local Planning Instrument No. 1 of 2020 applying to the Swanbank and New Chum areas which expires on 31 March 2022, and Temporary Local Planning Instrument No. 2 of 2020 for the Ebenezer, Willowbank and Jeebropilly areas that expires on 27 January 2022.

The proposed TLPI combines the regulation areas of both expiring TLPIs into a single regulatory document that suspends relevant parts of the existing Ipswich Planning Scheme. The proposed TLPI provides an interim contemporary policy approach for the regulation of resource recovery and waste activities until the commencement of the new Ipswich Planning Scheme. The proposed TLPI also includes a range of policy advancements in comparison to the existing TLPIs. These advancements seek to address issues identified in the practical application of the TLPI as an assessment tool, respond to feedback from the community, industry and officers and draws upon the experience of recent planning appeals.

It is considered that there are a range of matters both within and outside of the proposed TLPI which require consideration in the preparation of the New Ipswich Planning Scheme. The continuation of a level of regulatory control in respect to the activities governed by the TLPIs is considered critical to the future of the community, and a serious consideration for the New Ipswich Planning Scheme. Council officers and officers of your department have been in discussion regarding this TLPI, and this discussion is intended to continue to address a range of policy issues associated with the new Ipswich Planning Scheme.

Of important note is the anticipated commencement date for the proposed TLPI. It is requested that an early effective date be considered for this instrument to ensure that, upon receipt of an approval for the instrument, the commencement date provides for continuous regulatory control for the issues the subject of the TLPI, particularly in light of the expiration date of TLPI No. 2 of 2020 on 27 January 2022. A Statement of Reasons has been prepared to support the State in consideration of this matter (attached).

ATTACHMENT 2

STATEMENT OF REASONS

Planning Act 2016

Schedule 3 of the Minister's Guidelines and Rules Version 1.1 September 2020

Local government making decision

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

Public office of the local government

2. The public office of the local government is 1 Union Place, Ipswich.

Decision in respect of which the statement of reasons is prepared

3. The decision in respect of which the statement of reasons relates is the decision of the local government to propose to make a temporary local planning instrument (TLPI) to affect the operation of the local government's Planning Scheme¹ to:
 - (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
 - (b) facilitate and manage the appropriate restoration of land that has been adversely impacted by the legacy impacts of former mining activities;
 - (c) ensure the protection and improvement of the natural environment;
 - (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
 - (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

Requirement for the statement of reasons

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

¹ The Planning Scheme for the Ipswich Local Government Area 2006

Background to the decision of the local government

5. The local government has identified the following matters as being relevant to the making of the decision:
- (a) Under section 23(1) of the Planning Act, for a local government may make a TLPI if the local government and Minister decide—
 - (a) *there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and*
 - (b) *the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and*
 - (c) *the making of the TLPI would not adversely affect State interests.*
 - (b) The growth in waste disposal currently being experienced in Ipswich has resulted in highly negative media labelling Ipswich as the 'dump capital' of Australia and raised questions as to the need and appropriateness of this waste being disposed of in Ipswich.
 - (c) The Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly regionally significant industrial areas contain several residual mining and quarry voids and existing regional waste activity facilities within proximity to sensitive receiving land uses, and it is anticipated that development applications for new or expanding waste activities within remnant mining or quarry voids may continue to be lodged with Council.
 - (d) Continued application of the current TLPIs (in conjunction with the Planning Scheme) to new and expanding waste activity uses in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly industrial areas is necessary to ensure the continued protection of residential and other sensitive receiving land uses from adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity).
 - (e) Willowbank is a significant motor sports precinct. Current major events such as CMC Rocks music festival and major racing events make a significant economic contribution to Ipswich and the region.
 - (f) The process to make a permanent amendment to the planning scheme is estimated to take around 350 business days (70 weeks / 1 year and 4.5 months) to complete in accordance with the State government's *Guidance for the Minister's Guidelines and Rules* July 2017. It will be necessary to continue the current regulatory framework during the development of a new planning scheme for Ipswich City, which will include new provisions for waste activity regulation.

- (g) State interests would not be adversely affected by the proposed TLPI. Implementation of the TLPI will ensure that waste activities are appropriately located, designed and managed to protect sensitive receiving uses and the environment from adverse impacts associated with waste activity uses.

Material considered in making the decision

6. The local government considered the following material in arriving at the decision to propose the temporary local planning instrument:
- (a) planning material being:
 - (i) the local government's Planning Scheme; and
 - (ii) the matters stated in section 23 of the *Planning Act 2016*; and
 - (iii) Schedule 3 – Required Material for making or amending a TLPI under Chapter 2, Part 2 of the *Minister's Guidelines and Rules Version 1.1, September 2020*; and
 - (b) legislation being the:
 - (i) *Local Government Act 1993*; and
 - (ii) *Planning Act 2016*; and
 - (iii) *Acts Interpretation Act 1954*.
 - (c) The introduction of Temporary Local Planning Instrument No. 1 of 2018 (Waste Activity Regulation), applicable to the Swanbank / New Chum waste activity area on 6 April 2018.
 - (d) The introduction of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area (effective date 29 May 2018).
 - (e) The remaking of Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation), applicable to the Swanbank / New Chum waste activity area on 1 April 2020.
 - (f) The remaking of Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) applicable to the Ebenezer / Willowbank / Jeebropilly waste activity area on 28 January 2020.

Reasons for making the decision

7. The local government has made the decision to avoid a significant risk of serious adverse environmental and social conditions, and for the following reasons:
- (a) continuing to implement the further regulation of new and expanding waste activity uses in the Swanbank / New Chum and Ebenezer / Willowbank / Jeebropilly areas identified in the TLPI mapping is necessary to ensure the appropriate protection of residential and

other sensitive receiving land uses (including major events and motorsports uses) from the negative adverse impacts associated with waste activities such as odour, dust, noise, air quality and amenity (including visual amenity);

- (b) the lengthy timeframe associated with undertaking a permanent planning scheme amendment does not afford the same regulatory protection for the community in the period before adoption, and could result in long term implications for Council (such as adverse social and environmental impacts on the community and economic consequences);
- (c) delaying or failing to implement the proposed further regulation of waste activities in the Swanbank / New Churn and Ebenezer / Willowbank / Jeebropilly industrial areas identified in the TLPI mapping has the potential to result in further negative outcomes and media for the City as the 'dump capital' of Australia;
- (d) to ensure consistent and equitable regulatory provisions for regionally significant industrial areas that contain residual historic mining voids and regional waste activity facilities, and are at risk of application for new or expanding waste activity uses proximate to residential and other sensitive receiving uses; and
- (e) The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy (see the below figure titled 'Waste and Resource Management Hierarchy'. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing. This TLPI adopts, supports and implements the Waste and Resource Management Hierarchy for a zero-waste future at a local practical level and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

If you require any further information regarding this request, please do not hesitate to contact
Manager, City Design or

Yours sincerely

CHIEF EXECUTIVE OFFICER

Encl.

1. TLPI No. 1 of 2022: Resource Recovery and Waste Activity Regulation
2. Statement of Reasons

RTI RELEASE - DSDILG

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2021
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation).

PART 2 – BACKGROUND

Context

- 2.1. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.
- 2.2. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.
- 2.3. This TLPI adopts, supports and implements the Ipswich City Council's Waste and Circular Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.
- 2.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.
- 2.5. The Queensland Government is undertaking a range of policy work, including consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant community interest. In the absence of regulation, it is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

The Planning Challenge

- 2.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 3 – OVERVIEW

- 3.1. This TLPI provides an interim policy response for Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill and Energy from Waste facilities.
- 3.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.
- 3.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

PART 4 – PURPOSE OF THE TLPI

- 4.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
 - (b) facilitate and manage the restoration of areas affected by past mining operations;
 - (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
 - (d) the immediate and long-term protection and improvement of the natural environment.
- 4.2. To achieve this purpose, the TLPI—
- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in Part 7;
 - (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
 - (i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (ii) ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting; and
 - (iii) voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and

- (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts;
- (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - (iv) Energy from Waste Facility;
 - (v) Landfill;
 - (vi) Void;
 - (vii) Resource Recovery Facility;
 - (viii) Restoring a Void; and
 - (ix) Waste Activity.
- (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

PART 4 – DURATION OF TLPI

- 5.1. In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the TLPI starts to have effect on the day on which notice of the TLPI is published in the government gazette.
- 5.2. This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years after the effective day unless otherwise repealed sooner.

Note: the Minister repealed *Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) (TLPI 01/2020)* and *Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) (TLPI 02/2020)* immediately before the TLPI starts to have effect

PART 6 – INTERPRETATION

- 6.1. Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
 - (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 6.2. To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 7 – EFFECT OF THE TLPI

- 7.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

- 7.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.
- 7.3. The assessment benchmarks under this TLPI are:
- (a) the Strategic Outcomes set out in Part 4.2(b)
 - (b) **Attachment A:** the "Resource Recovery and Waste Activity Code"; and
 - (c) The Planning Scheme (unless stated otherwise)
- 7.4. The Strategic Outcomes set out in Part 4.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.
- 7.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.
- 7.6. This TLPI includes definitions as set out below in **Attachment C**.

This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

- 7.7. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.
- 7.8. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012 Composts, soil conditioners and mulches) on a domestic scale.

ATTACHMENT A: Resource Recovery and Waste Activity Code

1. Compliance with the Resource Recovery and Waste Activity Code

- (1) Development that is consistent with sections 2 and 4 of the Resource Recovery and Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and
- (2) Development for Waste Activities that is inconsistent with section 2 of the Resource Recovery and Waste Activity Code constitutes undesirable development and is assessed against the Part 4 of the TLPI.

2. Purpose and Overall Outcomes of the Resource Recovery and Waste Activity Code

- (1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:
 - (a) Sensitive Receiving Uses are protected from all adverse impacts resulting from or associated with all Waste Activities or Restoring a Void within the TLPI Boundary;
 - (b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
 - (i) environmental values are protected;
 - (ii) identified green and open space areas are protected;
 - (iii) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;
 - (iv) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;
 - (v) they are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and
 - (vi) appropriate rehabilitation outcomes are achieved for land affected by former mining activities.
 - (c) Energy from Waste Facilities are:
 - (i) separated from existing or planned areas for Sensitive Receiving Uses;
 - (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
 - (d) Land affected by former mining operations is appropriately restored and made available for future uses.
- (2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:
 - (a) Restoring a Void:
 - (i) occurs in the Swanbank/New Chum Regulated Activity Area;
 - (ii) only occurs in the Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
 - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
 - (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
 - (b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
 - (i) other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
 - (ii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. adverse impacts on any other use of adjoining and nearby premises are minimised and best practice management is implemented.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
- (e) Energy from Waste Facilities within the TLPI Boundary:
 - (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
 - (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.
- (f) Extension or expansion of a lawfully existing Waste Activity improves amenity by:
 - (i) minimising environmental emissions and amenity impacts on existing and proposed residential areas;
 - (ii) reducing the extent and intensity of adverse off-site impacts;
 - (iii) improving the management of adverse off-site impacts by implementing best practice;
 - (iv) Improving environmental performance;
- (g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (h) New or expanded landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.1 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.1.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Development within the Swanbank/New Chum regulation area	SO1 – SO5; and SO12 – SO19
Development with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO6 – SO11; and SO12 – SO19

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.1.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area – Restoring a Void	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Restoring a Void: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) includes landscaping and revegetation strategies appropriate for the long-term	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
use of the premises; (f) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Swanbank/New Chum Regulation Area – Waste Activities	
(5) The use of premises for Waste Activities: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	No probable solution provided
Ebenezer/Willowbank/Jeebropilly Regulation Area – Restoring a Void	
(6) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(7) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(8) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(9) The use of premises for Restoring a Void:</p> <ul style="list-style-type: none"> (g) protects Sensitive Receiving Uses from adverse impacts of development; (h) does not limit the establishment of productive current and future use of the premises; (i) protects and enhances existing environmental values; (j) improves and adds to identified green space and open space; (k) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (l) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street. 	
Ebenezer/Willowbank/Jeebropilly Regulation Area – Waste Activities	
<p>(10) The use of a premises for a Waste Activity involving Landfill occurs only in the Regulated Activity Area.</p>	No probable solution provided
<p>(11) The use of premises for a Waste Activity involving Landfill:</p> <ul style="list-style-type: none"> (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) protects and enhances existing environmental values; (c) improves and adds to identified green space and open space; (d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street; (f) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times. 	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
Waste Activities (Landfill)	
(12) New, changed or expanded Waste Activities involving Landfill: (a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.	No probable solution provided
Waste Activities (Energy from Waste Facility)	
(13) The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.	No probable solution provided
(14) The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.	No probable solution provided
Filling and earthworks	
(15) Filling and earthworks associated with Waste Activities: (a) for Landfill, prioritises use of materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) ensure that fill materials are compacted to the maximum extent possible.	No probable solution provided
(16) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it: (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design	16.1 Filling or earthworks does not result in filling beyond the Top of Void.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	
Landscaping and visual amenity	
<p>(17) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> (a) establish and maintain native vegetation buffers to reduce adverse impacts on any Sensitive Receiving Use, riparian corridors or green space and open space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance. 	<p>No probable solution provided</p>
Stormwater and groundwater management	
<p>(18) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> (a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (b) not result in any increase in contaminant loads in the receiving environment on or off the premises; (c) where possible, improve the quality of runoff to nearby surface and ground water; (d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and (g) for Landfill, include an adequately 	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</p> <p>(k) where possible, avoid complex and technical management systems.</p>	
<p>(19) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.</p>	No probable solution provided

ATTACHMENT B: Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area and Ebenezer/Willowbank/Jeebropilly Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area or the Ebenezer/Willowbank/Jeebropilly Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT C: DEFINITIONS

"Clean Earth" means—

- (a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

"Compost Manufacturing Enclosed" means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is conducted in an enclosed system.

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

"Compost Manufacturing Unenclosed" means—

- (a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
(c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Compost Manufacturing Unenclosed, see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
(b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
(c) organic waste.

organic waste—

- (a) includes the following—
(i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
(ii) animal manure;
(iii) biosolids;
(iv) cardboard and paper waste;
(v) fish processing waste;
(vi) food and food processing waste;
(vii) grease trap waste;

- (viii) green waste;
- (ix) poultry processing waste;
- (x) waste generated from an abattoir; but

(b) does not include—

- (i) biosecurity waste; or (ii) clinical or related waste; or
- (ii) contaminated soil; or
- (iii) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

For the purposes of Compost Manufacturing Enclosed and Compost Manufacturing Unenclosed, the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted—

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

“Energy from Waste Facility” means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.

“Finished Product” means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches).

“Landfill” means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of waste above, the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

“Regulated Activity Area” means the Regulated Activity Area identified on the Overlay Maps in Figure 2 and Figure 3.

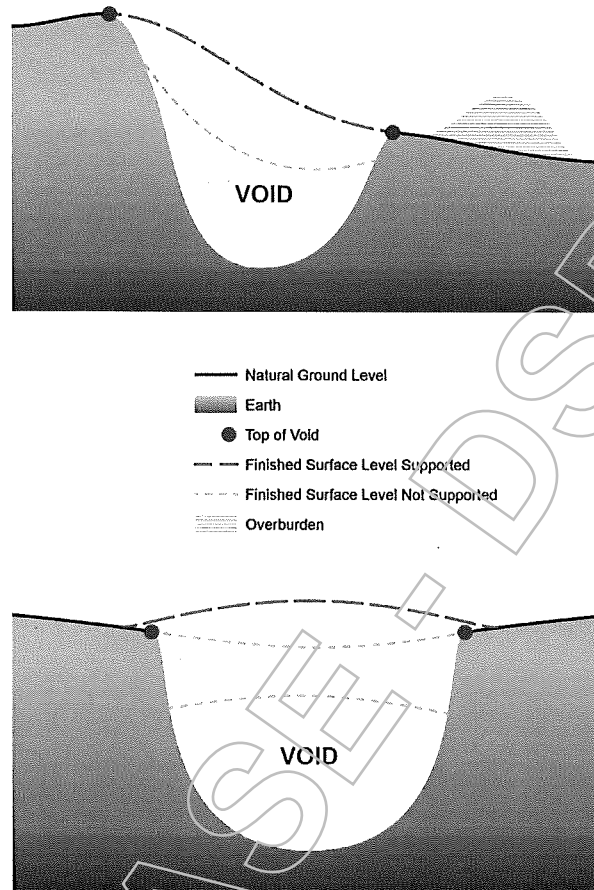
“Regulated Buffer Area” means the Regulated Buffer Area identified on the Overlay Maps in Figure 2 and Figure 3.

“Restoring a void” means the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

“Resource Recovery Facility” means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

“Sensitive Receiving Uses” include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

"**Top of a Void**" means the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



"**TLPI Boundary**" means the regulation areas shown on the map in Figure 1.

"**Void**" means any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

"**Waste Activity**" means—

- (a) the use of premises for:
 - (i) "Compost Manufacturing Enclosed";
 - (ii) "Compost Manufacturing Unenclosed";
 - (iii) "Energy from Waste Facility"
 - (iv) "Landfill";
 - (v) "Resource Recovery Facility".
- (b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Figure 1 - TLPI 01/2021
Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly Regulation Areas

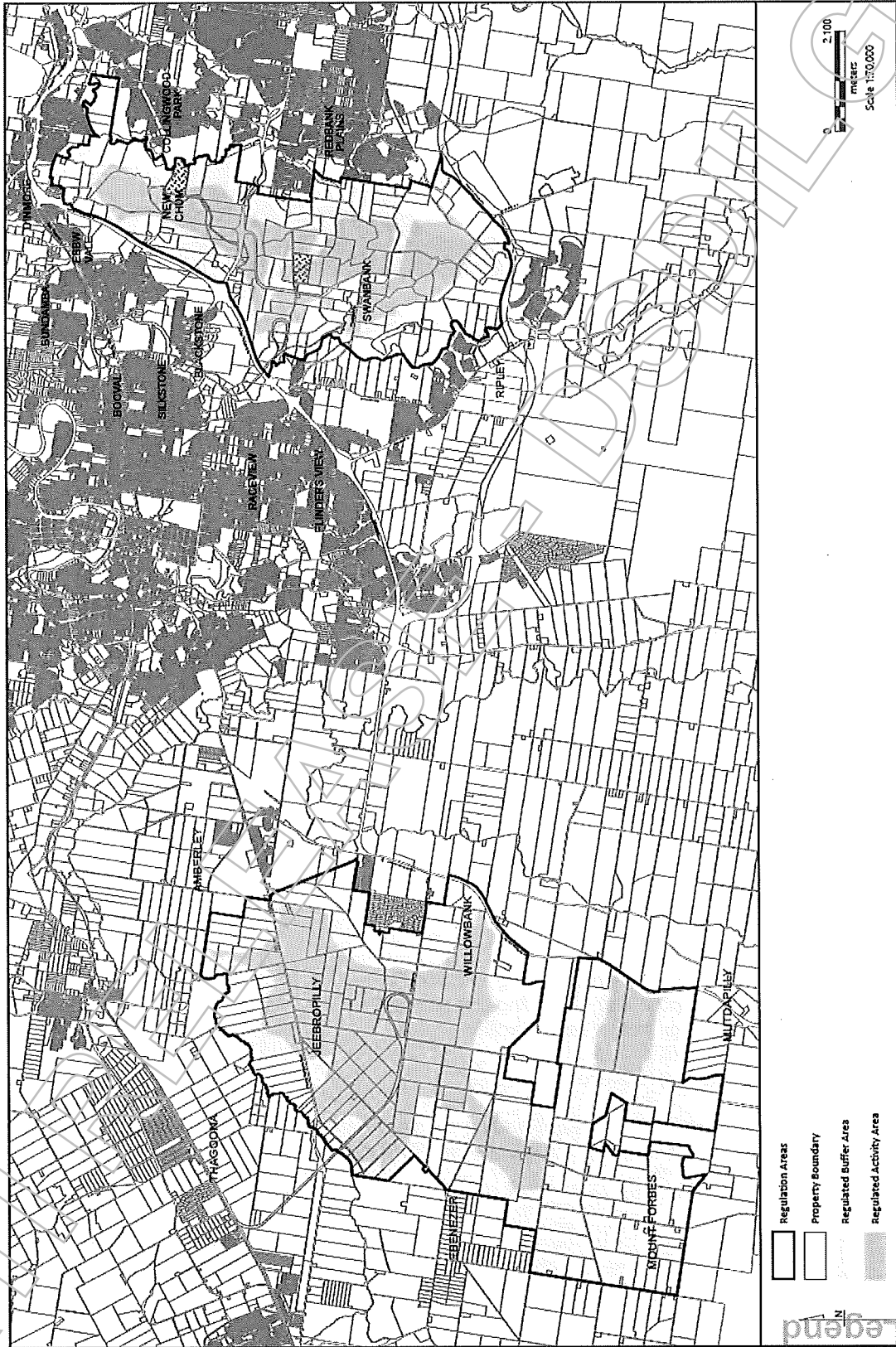


Figure 2 - TLPI 01/2021
Swanbank/New Chum Regulation Area

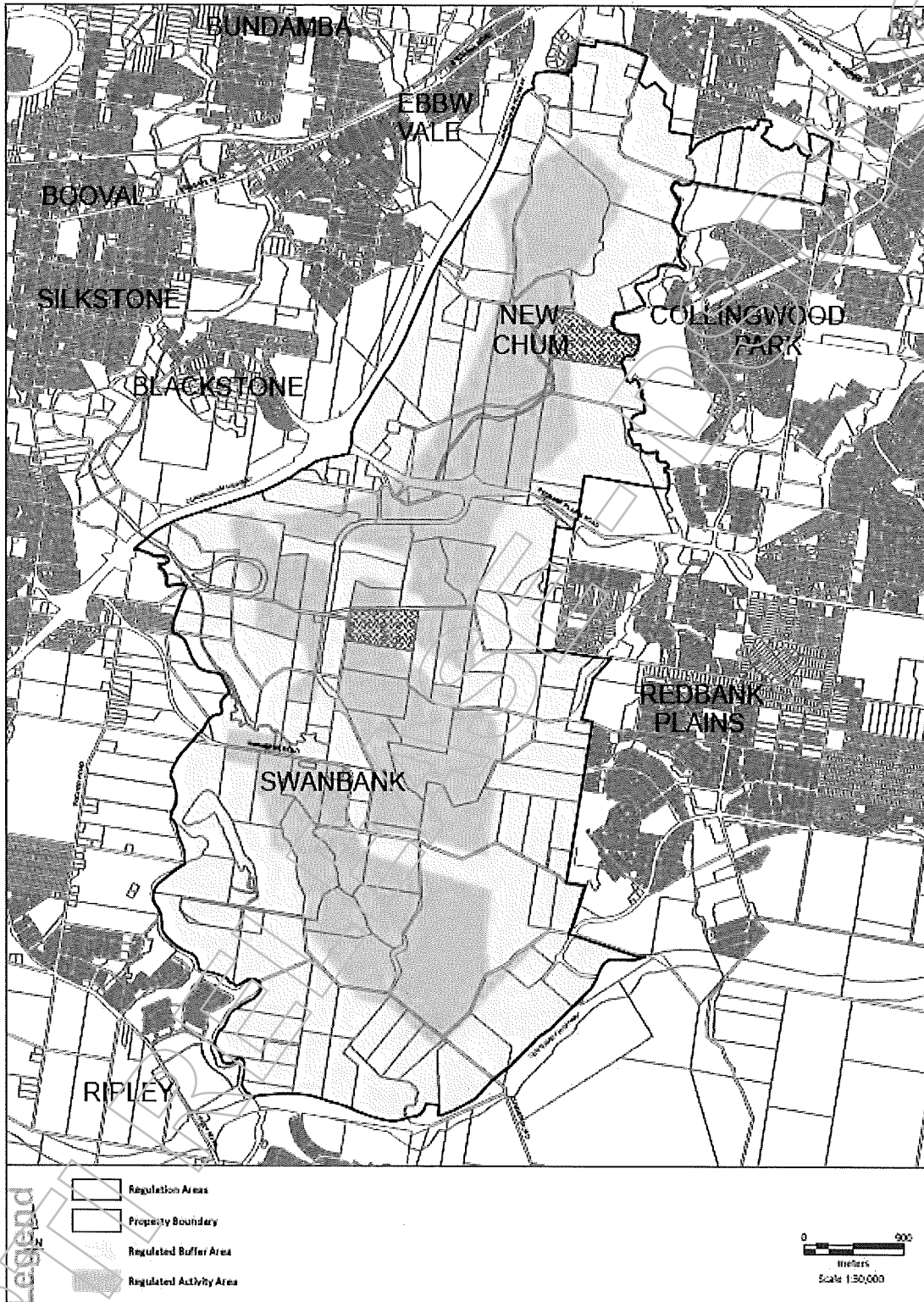


Figure 3 - TLPI 01/2021
Ebenezer/Willowbank/Jeebropilly Regulation Area



Pages 714 through 777 redacted for the following reasons:

Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 6:17 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Draft TLPI documents
Attachments: Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx

Hi All

I have had a quick look at [Redacted] omments – there are a couple of suggestions in there that are worth exploring but there are no immediate major issues emerging that I can see.

E4W – [Redacted] is asking ask address scale and those applications where gas is taken off the landfill. Given this is an emerging policy area I would be taking a very cautious approach about how prescriptive we are at this stage. Please look at our options and come back to me.

Have we had the TLPI tested yet?

[Redacted] We need to meet with [Redacted] his week to run through the instrument. Can we plan to do this tomorrow please.

Also – did we get to the bottom of how we treat Swanbank and Ebenezer? Did Council confirm if prefers both sites to be treated the same?

Thanks everyone. I will speak to you this morning.

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 9:01 PM

Subject: RE: Draft TLPI documents

Hi all,

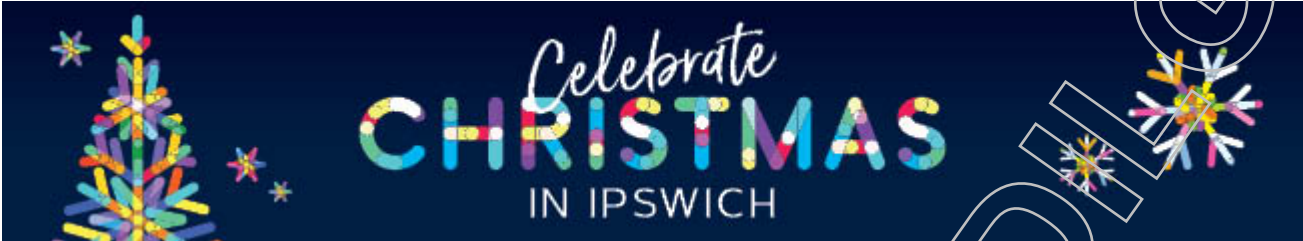
I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

Thanks,

[Redacted]

[Redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department



SDILGP

Confidential Communication | [Email Disclaimer](#)

From:

Sent: Monday, 29 November 2021 12:06 PM

Subject: Draft TLPI documents

Importance: High

Hi

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au

EASE

RTI



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

RTI RELEASE - DSD/16 GP

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EfW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EfW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EfW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EfW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

Commented [BD1]: Some of this content was intended to inform the community.

Commented [BD2]: Suggest reconsider this for community awareness.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EFW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EFW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EFW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

Commented [BD3]: This is not entirely true, not all voids will be restored under the MRA. Either they are not required to be filled / remediated or the tenure is no longer in place.

Commented [BD4]: I don't think the changes have reflected this well. But in my opinion all voids should be supported for rehabilitating a void.

Commented [BD5]: All voids will not be filled under the MRA, so this should be reinstated.

Commented [BD6]: Why isn't this position maintained for Willowbank / Ebenezer?

Commented [BD7]: Why is this the case, there are voids within 750m of the existing residents.

Commented [BD8]: There are some differences between Swanbank and Willowbank / Ebenezer in the drafts which should be corrected.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

- Commented [BD9]:** Note other comments in document and TLPI.
- Commented [BD10]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD11]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD12]:** Don't agree with this change.
- Commented [BD13]:** This is already likely to happen, but I don't think this is effective as discussed.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	<p>Amended (supports expanded policy intent)</p>	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
<p>NA – does not address Energy from Waste</p>	<p>NA - does not address Energy from Waste</p>	<p>Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.</p>	<p>New</p>	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

Commented [BD14]: What's the rationale for this?

Commented [BD15]: Some potential implications on landfill gas electricity generation and the potential for small scale incineration.

Commented [BD16]: This isn't an outcome change in this draft, it was in the icc version

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum, to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	New definition of enclosed and unenclosed composting simplified from the existing definition Additional provisions included to define certain terms (e.g. anaerobic digestion). Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

Commented [BD17]: This is a concern as discussed.

Commented [BD18]: This was an advancement from Council's draft

Commented [BD19]: I am not sure if the states version have advanced these any more than the council version?

RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R5]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND7]: Insertion to address assessment of energy from waste development

Commented [BD8R7]: Capitalised as its defined?

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM9]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

Commented [BD10R9]: Mapping is titled (on plan) which needs consideration.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

Commented [ND11]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD12]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [ND13]: Amended to clarify purpose of TLPI

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND14]: New section – provides context to address development involving energy from waste

Commented [UM15]: New definition, as TLPI now regulates EfW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND16]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD17R16]: I feel that this has a place in the document, especially considering community perceptions.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND18]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND19]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND20]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND21]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

Formatted: Character scale: 100%

Formatted: Font: (Default) Arial, 10 pt

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND22]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

TLPI No. 1 / 2022

Page 9 of 19

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND23]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND24]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved/assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void/Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced/protected; economic opportunities are maximised for the long-term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(d) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

Commented [ND25]: Deleted – heading contains content

Commented [UM26]: Updated for editing purposes.

Commented [UM27]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM28]:

Commented [UM29]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM30]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

Commented [BD31]: What's the purpose of this clause?

Commented [BD32]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.

Commented [ND33]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area m [1]

Commented [ND34]: Ensure assessment benchmarks have pathway to escalate assessment of development ... [2]

Commented [BD35R34]: Have you also considered the place of small-scale energy from waste facilities and th ... [3]

Commented [BD36]: This definition includes existing and proposed.

Commented [BD37]: Impacts could be well beyond noise, odour and dust.

Commented [ND38]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND39]: Determining appropriateness of development will occur through assessment against rel ... [4]

Commented [BD40R39]: Void restoration will not always occur under the MRA as not all voids have active minin ... [5]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) Particular Waste Activities in the Regulated Buffer Area do not occur;

(c) Waste Activities are only established in the Regulated Activity Area where:

- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and

Commented [ND41]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD42]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (e)(f) ~~extension or expansion of a lawfully existing waste facility or premises results in:~~
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) ~~improvements to the management of adverse off-site impacts~~ ~~by implementing best practice;~~
 - (iii) ~~improved environmental performance;~~
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities/Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND43]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND44]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.~~

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND45]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND46]: Inserted to refer to relevant table

Commented [ND47]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD48]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [ND49]: Deleted – on the basis that this is addressed in the purpose of the code.
Specific outcomes:
•should not duplicate the purpose
•should unpack the purpose.

Commented [ND50]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND51]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND52]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD53R52]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [BD54]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
<u>Landscaping and visual amenity</u>	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND55]: Deleted – assessed under another specific outcome.

Commented [ND56]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND57]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM58]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p><u>No probable solution provided</u></p>

Commented [ND59]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND60]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD61R60]: Isn't this clause now unclear?

Commented [ND62]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD63R62]: Is this an assessment benchmark for code assessment in the new location?

Commented [ND64]: Deleted. New specific outcome added above.

Commented [BD65R64]: I don't think the new SO works as noted above.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Commented [ND66]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code 3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM67]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD68]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [BD69]: Broader assessment benchmarks required. Check references to sections.

Commented [BD70]: As above.

Commented [BD71]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [BD72]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM73]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) green waste;
- (ix) poultry processing waste;
- (x) waste generated from an abattoir; but

~~(b)(a)~~ does not include—

- (i) biosecurity waste; or (ii) clinical or related waste; or
- (ii) contaminated soil; or
- (iii) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

8.48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8.58.6 **“Landfill”** means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8.88.9 **“Restoring a void”** means—

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND74]: New definition. Address energy from waste matter.

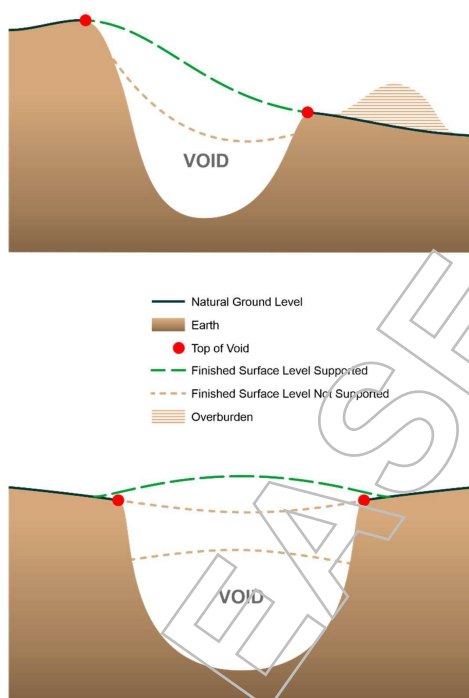
Definition consistent with DES' Waste Policy (June 2020)

Commented [BD75R74]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) [Energy from Waste facility](#)

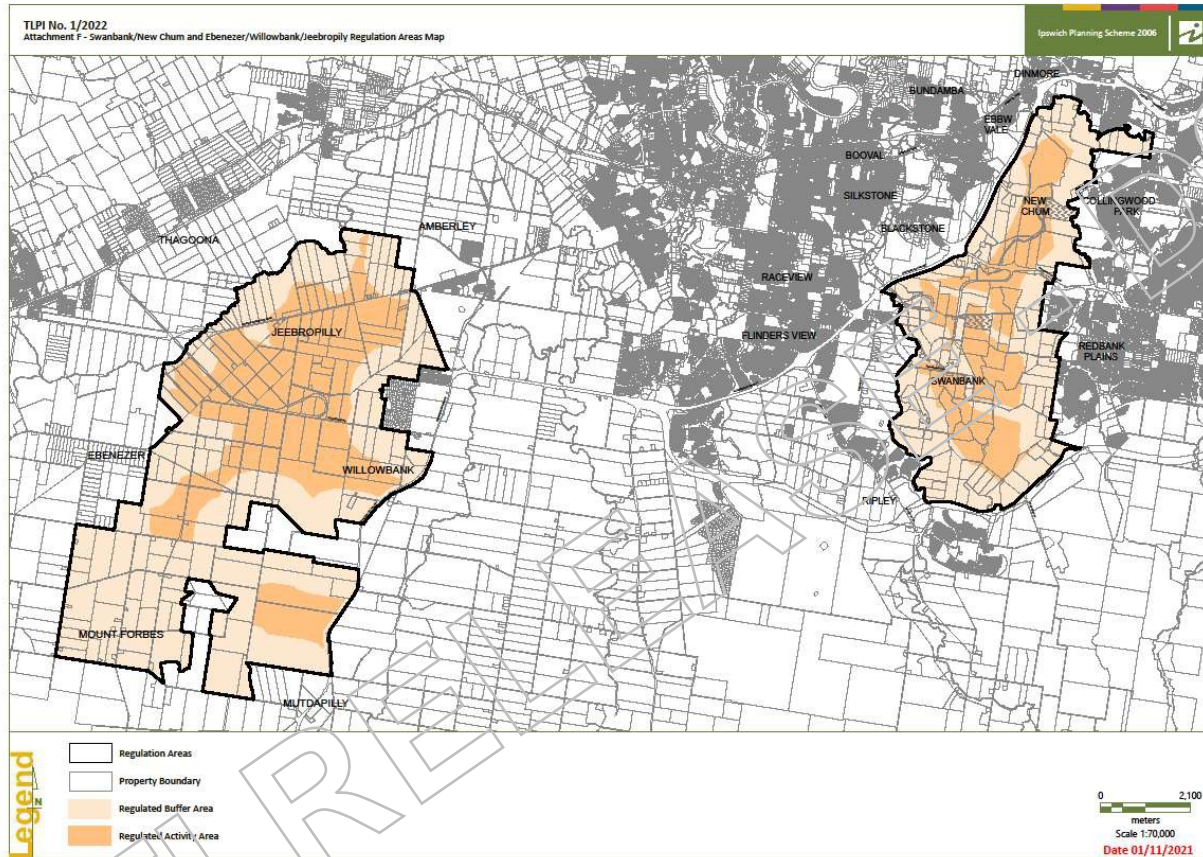
Commented [ND76]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)(iv)~~ "Landfill";
~~(iv)(v)~~ "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT **FIGURE 1: TLPI BOUNDARY**



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD77]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

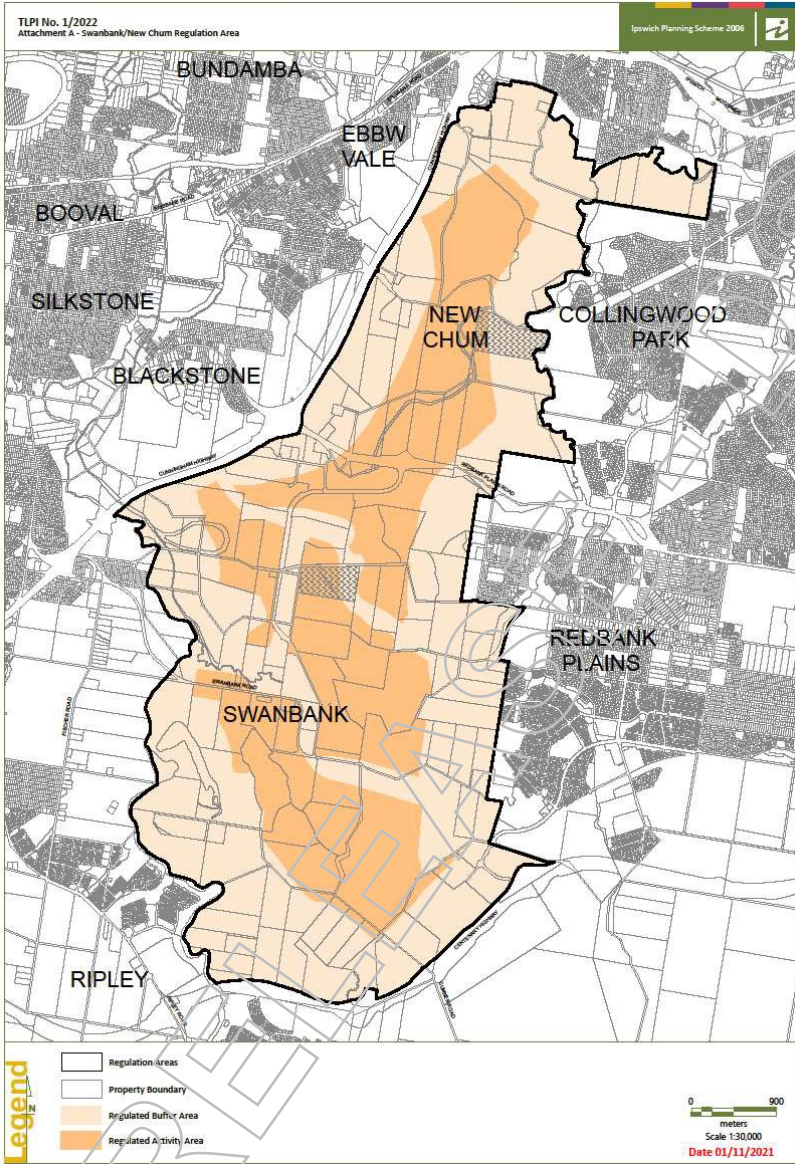
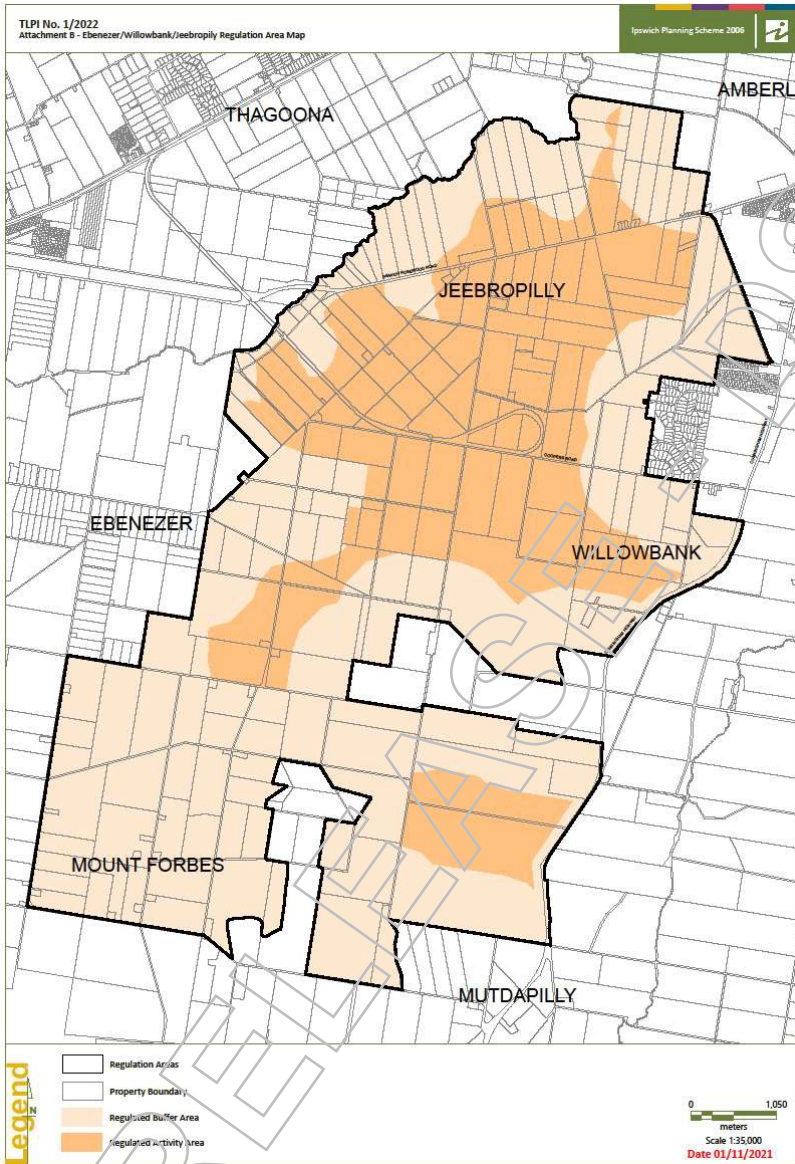


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



Page 12: [1] Commented [ND33]

28/11/2021 4:13:00 PM

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [2] Commented [ND34]

28/11/2021 4:18:00 PM

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [3] Commented [BD35R34]

29/11/2021 2:00:00 PM

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [4] Commented [ND39]

28/11/2021 4:20:00 PM

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [5] Commented [BD40R39]

29/11/2021 2:03:00 PM

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 6:19 AM
To: [Redacted]
Subject: RE: Dept reps for Waste meeting with Ipswich MPs - Wed 1 Dec 8.15-8.45am Parliament

[Redacted]

KD might want to attend this. But I can be there if he needs me.

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 6:12 AM

[Redacted]

Subject: Re: Dept reps for Waste meeting with Ipswich MPs - Wed 1 Dec 8.15-8.45am Parliament

Yes, I can be available.

[Redacted]

Regards,

[Redacted]

Executive Director, Industry Development

From: [Redacted]
Sent: Monday, November 29, 2021 4:57:51 PM

[Redacted]

Subject: FW: Dept reps for Waste meeting with Ipswich MPs - Wed 1 Dec 8.15-8.45am Parliament

Hi [Redacted]

The DP's Office is hosting a joint briefing with Min Scanlon's office to the four Ipswich MPs (Members for Jordan, Bundamba, Ipswich and Ipswich West) this Wednesday 1 December, 8.15-8.45am at Parliament.

Agenda:

- 1. Ipswich TLPs (Planning)

s. 73(2) - Not relevant/ Out of scope

[Redacted]

DPO have suggested the best attendees would be either [Redacted] from Planning and [Redacted] Are you able to confirm whether [Redacted] are best placed to attend?

[Redacted] Are you able to advise of your availability to attend?

Thanks so much.

[Redacted]



Director
Office of the Director-General
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing personal information

Level 39, 1 William Street, Brisbane QLD 4002
PO Box 15009, City East QLD 4002
statedevelopment.qld.gov.au

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 7:46 AM
To: [Redacted]
Subject: FW: Draft TLPI documents
Attachments: Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi [Redacted]

FYI – no action. Just so you can see ICC’s comments on our draft instrument.

I intend on speak with [Redacted] tomorrow once we have cleaned up this version of the instrument.

[Redacted]

From: [Redacted]
Sent: Monday, 29 November 2021 9:01 PM

[Redacted]

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven’t spent much time editing them.

Happy to discuss.

Thanks,

[Redacted]

[Redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department



IPSWICH CITY COUNCIL | Sch. 4(4)(6) - Disclosing personal information



From: [Redacted]

Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents

Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards

[Redacted]



[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EfW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EfW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EfW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EfW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

Commented [BD1]: Some of this content was intended to inform the community.

Commented [BD2]: Suggest reconsider this for community awareness.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EFW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EFW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EFW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

Commented [BD3]: This is not entirely true, not all voids will be restored under the MRA. Either they are not required to be filled / remediated or the tenure is no longer in place.

Commented [BD4]: I don't think the changes have reflected this well. But in my opinion all voids should be supported for rehabilitating a void.

Commented [BD5]: All voids will not be filled under the MRA, so this should be reinstated.

Commented [BD6]: Why isn't this position maintained for Willowbank / Ebenezer?

Commented [BD7]: Why is this the case, there are voids within 750m of the existing residents.

Commented [BD8]: There are some differences between Swanbank and Willowbank / Ebenezer in the drafts which should be corrected.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

- Commented [BD9]:** Note other comments in document and TLPI.
- Commented [BD10]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD11]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD12]:** Don't agree with this change.
- Commented [BD13]:** This is already likely to happen, but I don't think this is effective as discussed.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	<p>Amended (supports expanded policy intent)</p>	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
<p>NA – does not address Energy from Waste</p>	<p>NA - does not address Energy from Waste</p>	<p>Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.</p>	<p>New</p>	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

Commented [BD14]: What's the rationale for this?

Commented [BD15]: Some potential implications on landfill gas electricity generation and the potential for small scale incineration.

Commented [BD16]: This isn't an outcome change in this draft, it was in the icc version

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum, to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	New definition of enclosed and unenclosed composting simplified from the existing definition Additional provisions included to define certain terms (e.g. anaerobic digestion). Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

Commented [BD17]: This is a concern as discussed.

Commented [BD18]: This was an advancement from Council's draft

Commented [BD19]: I am not sure if the states version have advanced these any more than the council version?

RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 4.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the Ipswich City Council's Waste and Circular

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R5]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND7]: Insertion to address assessment of energy from waste development

Commented [BD8R7]: Capitalised as its defined?

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM9]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

Commented [BD10R9]: Mapping is titled (on plan) which needs consideration.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

Commented [ND11]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD12]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [ND13]: Amended to clarify purpose of TLPI

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND14]: New section – provides context to address development involving energy from waste

Commented [UM15]: New definition, as TLPI now regulates EfW

~~3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND16]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD17R16]: I feel that this has a place in the document, especially considering community perceptions.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND18]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND19]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) **The Planning Scheme (unless stated otherwise)**

Commented [ND20]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND21]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

Formatted: Character scale: 100%

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND22]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND23]: Inserted as Figures 1-3

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND24]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved/assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for of the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void/Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced/protected; economic opportunities are maximised for the long-term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(e) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

Commented [ND25]: Deleted – heading contains content

Commented [UM26]: Updated for editing purposes.

Commented [UM27]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM28]:

Commented [UM29]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM30]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

Commented [BD31]: What's the purpose of this clause?

Commented [BD32]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.

Commented [ND33]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area m [1]

Commented [ND34]: Ensure assessment benchmarks have pathway to escalate assessment of development [2]

Commented [BD35R34]: Have you also considered the place of small-scale energy from waste facilities and th [3]

Commented [BD36]: This definition includes existing and proposed.

Commented [BD37]: Impacts could be well beyond noise, odour and dust.

Commented [ND38]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND39]: Determining appropriateness of development will occur through assessment against rel [4]

Commented [BD40R39]: Void restoration will not always occur under the MRA as not all voids have active minin [5]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) ~~Particular Waste Activities in the Regulated Buffer Area do not occur;~~

(c) ~~Waste Activities are only established in the Regulated Activity Area where:~~

- (i) ~~obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
- (ii) ~~adverse environmental impacts on and beyond the premises are avoided;~~
- (iii) ~~any increase in environmental risk on and beyond the premises is avoided; and~~
- (iv) ~~adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - a. ~~Sensitive Receiving Uses are avoided; and~~

Commented [ND41]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD42]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (f) extension or expansion of a lawfully existing waste facility or premises results in:
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) improvements to the management of adverse off-site impacts ~~by implementing best practice;~~
 - (iii) improved environmental performance;
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities/landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND43]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND44]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13-2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13-2, where relevant.~~

Commented [ND45]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Commented [ND46]: Inserted to refer to relevant table

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND47]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises; (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD48]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [ND49]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND50]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> <u>(a) protects Sensitive Receiving Uses from adverse impacts of development;</u> <u>(b) protects and enhances existing environmental values;</u> <u>(c) improves and adds to identified green space and open space;</u> <u>(d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> <u>(e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> <u>(a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling and earthworks and ongoing operations associated with Waste Activities:</u> <u>(a) for Landfill, exhaust prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND51]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND52]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD53R52]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [BD54]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(9)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to are developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND55]: Deleted – assessed under another specific outcome.

Commented [ND56]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND57]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM58]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p><u>No probable solution provided</u></p>

Commented [ND59]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND60]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD61R60]: Isn't this clause now unclear?

Commented [ND62]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD63R62]: Is this an assessment benchmark for code assessment in the new location?

Commented [ND64]: Deleted. New specific outcome added above.

Commented [BD65R64]: I don't think the new SO works as noted above.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Commented [ND66]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void <u>in the Swanbank/New Chum Regulated Buffer Area</u>	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities <u>that is not Code Assessable</u> – inconsistent use	Impact Assessable	The whole Planning Scheme <u>Section 2.2 of the Waste Activity Code 3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).</u> Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void <u>in the Swanbank/New Chum Regulated Activity Area</u>	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the <u>Ebenezer/Willowbank/Jeebropilly Regulated Activity Area</u>	Impact Assessable	The whole Planning Scheme <u>Relevant Area and Zone Code</u> <u>Commercial and Industrial Code (Part 12, division 7)</u> <u>Parking Code (Part 12, division 9)</u> <u>Earthworks Code (Part 12, division 15)</u> <u>Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).</u> <u>Resource Recovery and Waste Activity Code</u>
Waste Activity involving Landfill in the <u>Swanbank/New Chum Regulated Activity Area</u>	Impact Assessable	The whole Planning Scheme <u>Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).</u> <u>Resource Recovery and Waste Activity Code</u>
Waste Activity involving <u>Landfill or Compost Manufacturing Enclosed</u>	Impact Assessable	The whole Planning Scheme <u>Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).</u> Resource Recovery and Waste Activity Code

Commented [UM67]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD68]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [BD69]: Broader assessment benchmarks required. Check references to sections.

Commented [BD70]: As above.

Commented [BD71]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [BD72]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM73]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ does not include—

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

8.48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8.58.6 **“Landfill”** means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8.68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8.78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8.88.9 **“Restoring a void”** means—

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND74]: New definition. Address energy from waste matter.

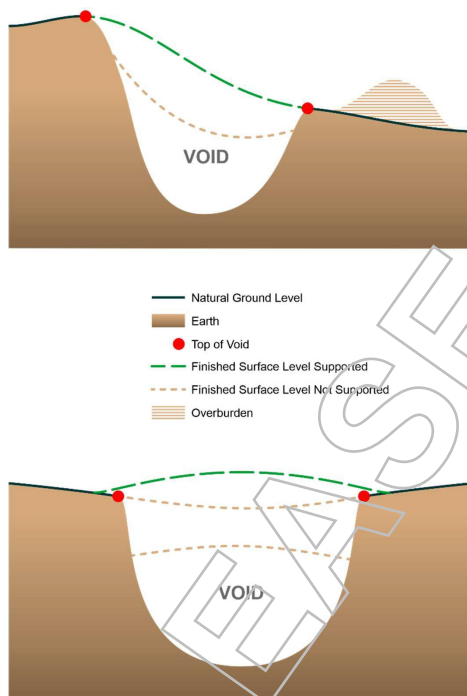
Definition consistent with DES' Waste Policy (June 2020)

Commented [BD75R74]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) Energy from Waste facility

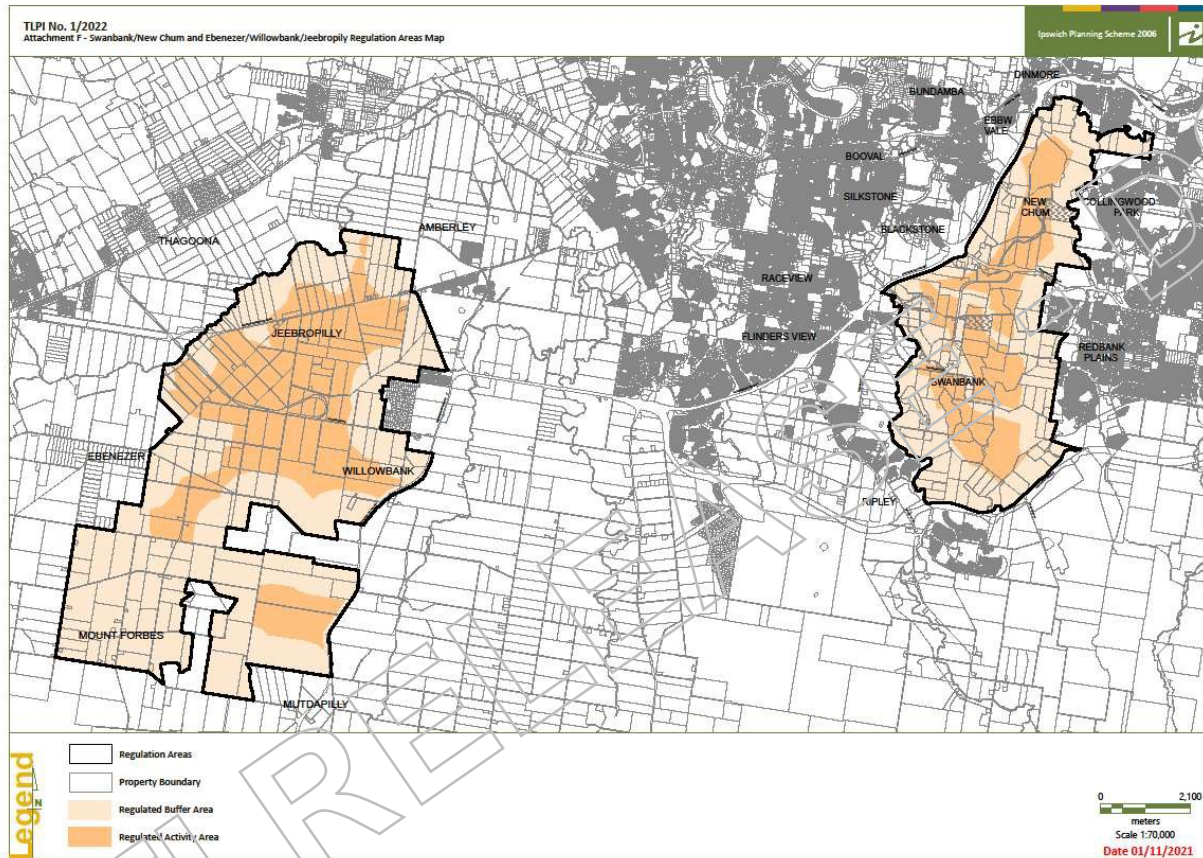
Commented [ND76]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)(iv)~~ "Landfill";
~~(iv)(v)~~ "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT FIGURE 1: TLPI BOUNDARY



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD77]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

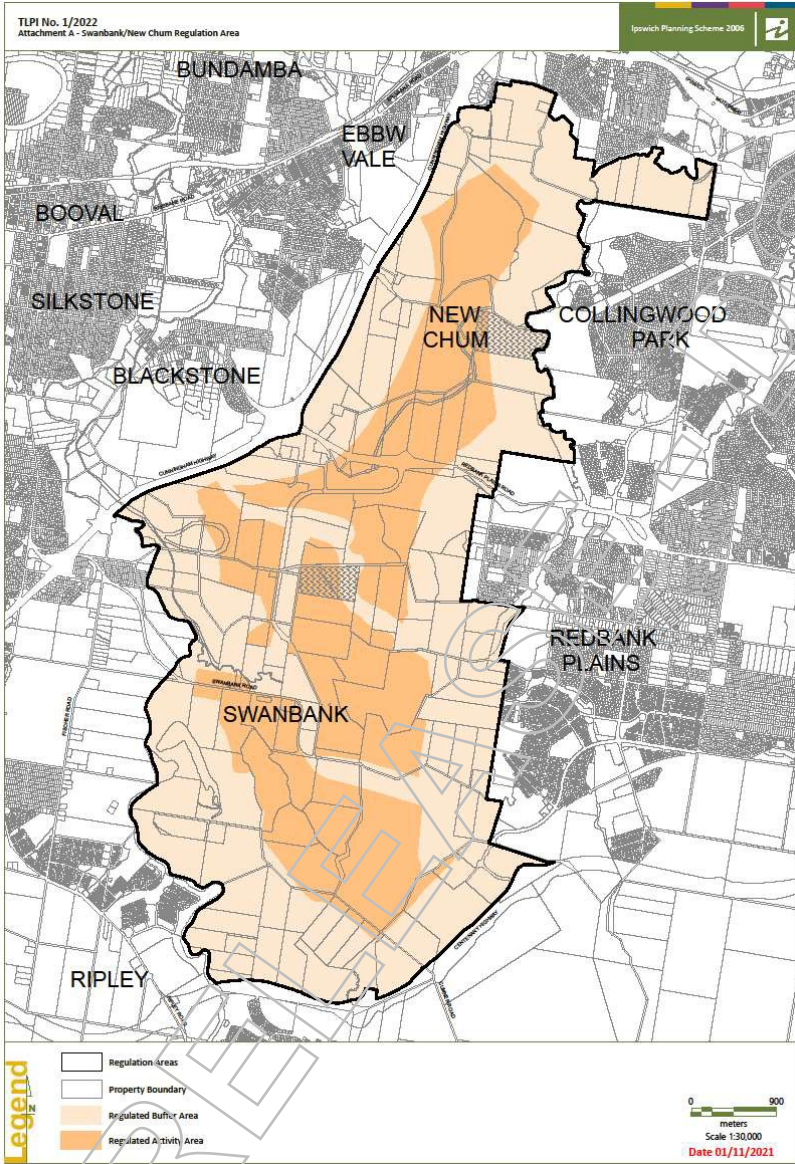
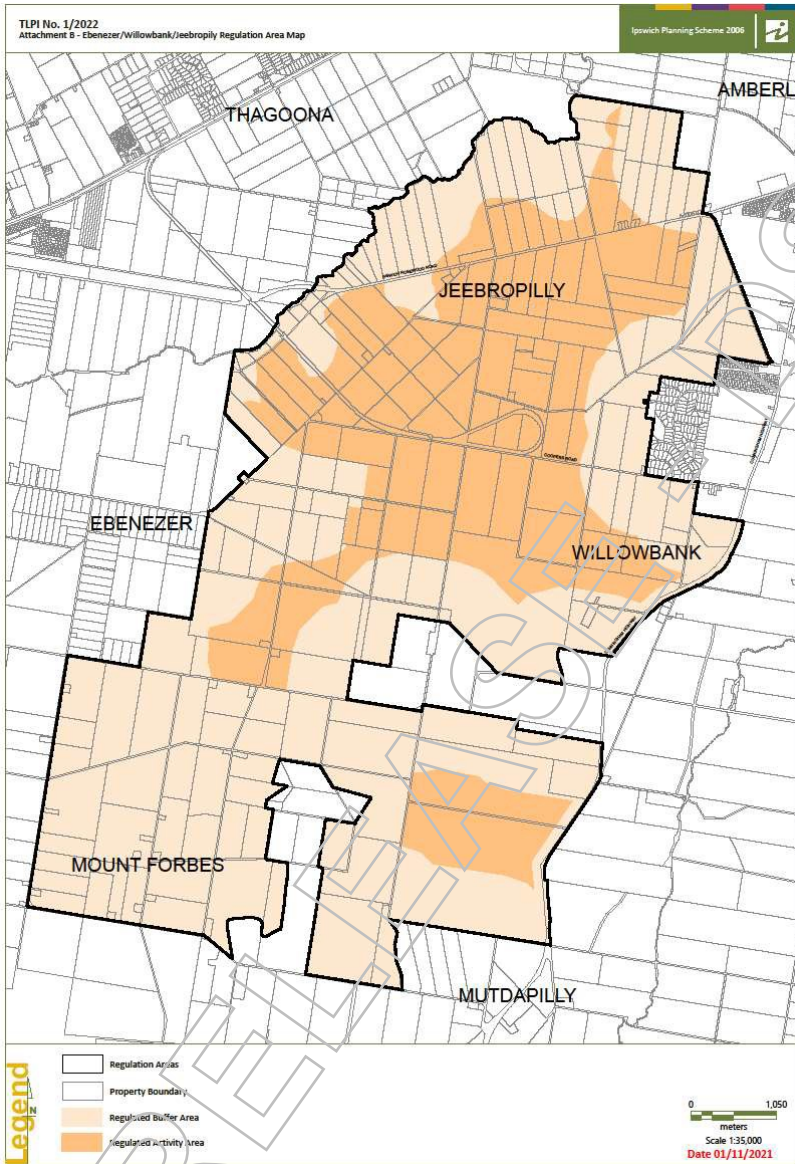


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

Page 12: [1] Commented [ND33]

28/11/2021 4:13:00 PM

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [2] Commented [ND34]

28/11/2021 4:18:00 PM

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [3] Commented [BD35R34]

29/11/2021 2:00:00 PM

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [4] Commented [ND39]

28/11/2021 4:20:00 PM

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [5] Commented [BD40R39]

29/11/2021 2:03:00 PM

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 8:57 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Draft TLPI documents
Attachments: Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx

Hi [Redacted]

Can you please upload the ICC version of comments into our Sharepoint ASAP. I will commence my review once it has been loaded so that comments /changes can be tracked.

It may be worth creating a new folder 'Stakeholder feedback', change the name and include today's date.

[Redacted] for discussion once you've had time to review.

Would you both like a check in this morning?

Thanks,

[Redacted]



[Redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]

Sent: Tuesday, 30 November 2021 6:17 AM

[Redacted]

Subject: FW: Draft TLPI documents

Hi All

I have had a quick look at [Redacted] comments – there are a couple of suggestions in there that are worth exploring but there are no immediate major issues emerging that I can see.

E4W – [Redacted] asking ask address scale and those applications where gas is taken off the landfill. Given this is an emerging policy area I would be taking a very cautious approach about how prescriptive we are at this stage. Please look at our options and come back to me.

Have we had the TLPI tested yet?

[redacted] We need to meet with [redacted] this week to run through the instrument. Can we plan to do this tomorrow please.

Also – did we get to the bottom of how we treat Swanbank and Ebenezer? Did Council confirm if prefers both sites to be treated the same?

Thanks everyone. I will speak to you this morning.

[redacted]

From: [redacted]

Sent: Monday, 29 November 2021 9:01 PM

[redacted]

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

Thanks,

[redacted]



[redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department
IPSWICH CITY COUNCIL. TI [redacted] Sch. 4(4)(6) - Disclosing personal information



Confidential Communication | [Email Disclaimer](#)

From: [redacted]

Sent: Monday, 29 November 2021 12:06 PM

[redacted]

[Redacted]

Subject: Draft TLPI documents

Importance: High

H [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards

[Redacted]



[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Short title				
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	As per council resolved TLPI.	Amended (reflect policy intent)	<ul style="list-style-type: none"> To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.
Background				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> Information on waste generation in Queensland and Ipswich History and need for TLPI's Includes a statement on the planning challenge in Ipswich that is presented by waste. 	Changes the Council resolved TLPI: <ul style="list-style-type: none"> condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework). includes background on emerging Energy from Waste (EfW) technology and associated planning challenge. 	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich and informed by DES June 2019 Energy from Waste consultation policy and DES June 2020 Energy from Waste Policy. To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities. Waste generation cannot be regulated by the TLPI, but waste activities can.
Overview				
This section outlines what the TLPI seeks to do, through three short statements.	This section has been expanded to further confirm that the intention of the TLPI is to: <ul style="list-style-type: none"> Address waste management and environmental impacts with reference to the Waste Management Hierarchy. Outline what the TLPI seeks to address. Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive. Not regulate activities authorised under existing Mining or Environmental regulations. 	Changes to Council resolved TLPI: <ul style="list-style-type: none"> acknowledges interim policy response for EfW. Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code. moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate). moves reference to ICC directive from the overview section to the background section 	Amended (code drafting)	<ul style="list-style-type: none"> To acknowledge emerging EfW technologies and associated planning challenges for Ipswich. Removes duplication. Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive
Purpose of TLPI				
This section outlines the purpose of the TLPI and how it will achieve this purpose.	Drafting and content changes proposed in addition to adding: <ul style="list-style-type: none"> Clarification regarding the purpose through additional statements. New/revised Strategic Outcomes. Outlines matters that planning decisions should seek to balance. 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> includes assessment benchmarks to assess EfW proposals. re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank. maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly. improve the overall workability of the TLPI removes the section containing matters that planning decisions should seek to balance. 	Amended (expands policy intent)	<ul style="list-style-type: none"> Introduces regulation to regulate EfW proposals in Ipswich. To better clarify the purpose, intent and outcomes sought by the TLPI. Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).
Duration of TLPI				
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which is better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide clarity and consistency with the Planning Act.
Interpretation				
This section clarifies how terms are to be interpreted.	Inclusion of advice for interpretation where not referenced a defined term in the Ipswich planning scheme.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State

Commented [BD1]: Some of this content was intended to inform the community.

Commented [BD2]: Suggest reconsider this for community awareness.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
				waste and environmental legislation where not defined under the planning scheme.
Application of TLPI				
This section identifies the geographical area of the TLPI.	Updated maps are proposed in addition to an additional attachment which reflects the entire TLPI area.	As per council resolved TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> Has been moved to next section 'Effect of TLPI'. Provides clarity to the geographical area of the TLPI to reflect new maps.
Effect of the TLPI				
This section clarifies assessment benchmarks for the TLPI.	Clarifies the effect of the TLPI, the assessment benchmarks, and the relevant provisions of the planning scheme.	Changes to Council resolved TLPI: <ul style="list-style-type: none"> incorporates application of TLPI, including spatial area (above). contains relocated content from the overview section that are relevant to the application of the TLPI. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps. Provides clarity to the geographical area of the TLPI to reflect new maps.
TLPI mapping				
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI.	As per council resolved TLPI. Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> To reflect the combined single TLPI area. Revised mapping is reflective of: <ul style="list-style-type: none"> the same geographical area the same buffer and activity area extents.
Level of assessment				
Code assessable <ul style="list-style-type: none"> Waste activity involving rehabilitating a mining void (within the buffer area). 	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> Restoring a void (both within the buffer area and the activity area). Waste activity for a resource recovery facility (both within the buffer area and the activity area). Waste activity for a waste transfer station or facility (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void advanced for Swanbank restoring a void not advanced for Ebenezer Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> Makes clearer what are desirable waste activity uses within the TLPI area. Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery. Maintain council position on restoring a void for both buffer areas.
Impact assessable <ul style="list-style-type: none"> Waste activity use involving rehabilitating a mining void (within the activity area). Waste activity use involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). Waste activity use involving energy from waste (EFW) 	Proposes to clarify compost manufacturing activities (enclosed and unenclosed), noting that they are retained as Impact assessable, as follows: <ul style="list-style-type: none"> Waste activity that is not code assessable – inconsistent use (within the buffer area). Waste activity involving landfill or compost manufacturing enclosed (within the activity area). Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area). 	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> restoring a void not advanced for Ebenezer landfill advanced for Ebenezer new use of EFW identified as an inconsistent use As per council resolved TLPI for compost manufacturing in all areas and for landfill in Swanbank. Has been moved to the back of the TLPI instrument.	Amended	<ul style="list-style-type: none"> Makes clearer what are undesirable waste activity uses within the TLPI area. Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported. Restoring a void not advanced for Ebenezer because any existing voids will be managed under the EP Act/Mineral Resources Act provisions and TLPI provisions are redundant. ICC seeks to establish a clear position that landfills are managed to avoid adverse impacts and are not supported. This position is maintained for Swanbank given proximity to sensitive uses. Sensitive use proximity for Ebenezer is not as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area. ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas. Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses. Advancing council position of not supporting EFW by identifying as an inconsistent use with the highest level of assessment. <p>Subject to ongoing monitoring of: Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other	Unspecified uses	As per council resolved TLPI.	Amended	<ul style="list-style-type: none"> Change merely confirms how TLPIs operate.

Commented [BD3]: This is not entirely true, not all voids will be restored under the MRA. Either they are not required to be filled / remediated or the tenure is no longer in place.

Commented [BD4]: I don't think the changes have reflected this well. But in my opinion all voids should be supported for rehabilitating a void.

Commented [BD5]: All voids will not be filled under the MRA, so this should be reinstated.

Commented [BD6]: Why isn't this position maintained for Willowbank / Ebenezer?

Commented [BD7]: Why is this the case, there are voids within 750m of the existing residents.

Commented [BD8]: There are some differences between Swanbank and Willowbank / Ebenezer in the drafts which should be corrected.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 	<ul style="list-style-type: none"> Uses not subject to the TLPI revert to the planning scheme. 		(minor drafting)	
Waste activity code				
Sections 1 and 2 (States the what the code is and Compliance with the Code) <ul style="list-style-type: none"> Procedural sections identifying the code. States if development complies with the assessment benchmarks it complies with the code. 	Sections 1 and 2 <ul style="list-style-type: none"> New provision added for when development is undesirable and not likely to be approved. 	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> sections have been combined clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code. 	Amended (code drafting)	<ul style="list-style-type: none"> Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.
Section 3 (purpose and overall outcomes) <ul style="list-style-type: none"> States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved. Lists various amenity and impact avoidance outcomes for waste activities. 	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids. Includes new amenity protection outcomes for sensitive receiving uses. Includes new land use outcomes for regional business areas. Lists various amenity and impact avoidance outcomes for waste activities. seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported. Expresses a preference to avoid unenclosed composting occurring in the TLPI areas. 	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> EfW purpose statements have been added specific overall outcomes for Waste Activities in Swanbank/New Chum have been added specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added better line of sight – purpose statements reflecting detailed code provisions 	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication. New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses). Maintains existing amenity protection outcomes but places increased emphasis on them. <p>Note: there were several items that could not be supported include best practice code drafting issue with waste management hierarchy, also unclear on how the purpose could be achieved, ambiguous or not clear, no defined terms etc.</p>
NA – no application of specific outcomes	NA – no application of specific outcomes	New Section 3, application of specific outcomes to assist with interpretation of code.	New (code drafting)	<ul style="list-style-type: none"> Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.
Section 4 (specific outcomes and probable solutions) <ul style="list-style-type: none"> Outcomes listed as numbered sections Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activities rehabilitating former mining land. Outcomes for earthworks associated with waste activities. Outcomes for waste activity operational impacts (buffers, drainage etc.). 	Section 4 specific outcomes <ul style="list-style-type: none"> Outcomes contained in a code table as per planning scheme. Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas. Outcomes for waste activity operational impacts (buffers, drainage etc.). New outcomes for rehabilitating former mining land and is not tied to a waste activity. New outcomes for restoring a void. New outcomes for earthworks associated with waste activities. New outcomes for how waste activities are undertaken. Establish a clear position that landfills for the disposal of waste material are managed to avoid 	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> Code drafting to include sign posting and reduce duplication Greater line of sight to purpose statement and code provisions Advancing and strengthening council policy intent where appropriate EfW: <ul style="list-style-type: none"> include assessment provisions for EfW new specific outcome included on separation between any activity and existing/planned sensitive uses new specific outcome included to addressing the form/size/scale of any activity Restoring a void: <ul style="list-style-type: none"> new outcomes to provide for this use to occur as per council resolved TLPI 	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> Specific outcomes structured in a table to align with department plan making and code drafting. New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives. New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use. New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances. New outcomes for restoring a void about minimising the amount of material imported where possible to require use of overburden and surplus site material over importing material. Outcomes for restoring a void amended to apply to the Swanbank area to align with code's purpose for this to occur only within this area. New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use. Minor change to the existing TLPI landfill provisions for Swanbank to improve workability

- Commented [BD9]:** Note other comments in document and TLPI.
- Commented [BD10]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD11]:** This isn't an outcome change in this draft, it was in the icc version
- Commented [BD12]:** Don't agree with this change.
- Commented [BD13]:** This is already likely to happen, but I don't think this is effective as discussed.

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<p>adverse impacts and are not supported.</p> <ul style="list-style-type: none"> Establish a preference is to avoid unenclosed composting occurring in the TLPI areas and changes to the definition are proposed which appear to further restrict in-vessel composting and new technologies. Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. 	<ul style="list-style-type: none"> effect of the specific outcomes limited to Swanbank/New Chum <p>Resource recovery:</p> <ul style="list-style-type: none"> new outcomes to include resource recovery facilities minor change to council resolved TLPI to address co-location with landfill proposals <p>Landfill:</p> <ul style="list-style-type: none"> new outcomes for landfills to align with council resolved TLPI for Swanbank maintain existing TLPI outcomes for Ebenezer <p>Composting:</p> <ul style="list-style-type: none"> as per council resolved TLPI 		<ul style="list-style-type: none"> Maintain existing TLPI landfill provisions for Ebenezer. Refinements to the TLPI are largely driven by practical learnings from assessment of development applications and application/interpretation of the TLPI provisions currently in effect. <p>Note: new outcomes for how waste activities are undertaken are much more detailed than existing outcomes and encompass various details that ordinarily are assessed by DES. Some of the outcomes appear repetitive and may be able to be reviewed or deleted. DSDILGP raised this with the council and referred the council to best practice code drafting principles.</p>
Definitions				
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> Various definitions have been revised to accord with State legislation, including the following amended definitions: <ul style="list-style-type: none"> Clean earth Compost manufacturing enclosed and unenclosed Landfill Restoring a void (formerly rehabilitating a mining void) - Various definitions have been revised to accord with State legislation, including the following new definitions: <ul style="list-style-type: none"> Anaerobic digestion Composting Organic material Organic waste Enclosed system Feedstock Finished product Regulated Activity Area and Regulated Buffer Area Resource Recovery Facility Top of Void Sensitive Receiving Use TLPI boundary Void Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use. 	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> EfW definition <p>Has been moved to the back of the TLPI instrument.</p>	<p>Amended (supports expanded policy intent)</p>	<ul style="list-style-type: none"> Maintain council policy position by retaining all previously proposed definitions. EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope if kept very broad instead of restricting the scope to focus on certain activity types. To ensure consistency with existing mining and environmental frameworks. Resource recovery included as a use type of Waste Activity because this use is typically associated within a landfill or other waste industry businesses. ICC support resource recovery uses within the TLPI areas because they have a role in facilitating increased recycling Maintains landfill and compost manufacturing as regulated uses. Inclusion of resource recovery facility as a regulated use.
<p>NA – does not address Energy from Waste</p>	<p>NA - does not address Energy from Waste</p>	<p>Policy changes to Council resolved TLPI to include a definition for Energy from Waste facility.</p>	<p>New</p>	<ul style="list-style-type: none"> Emerging policy and advancements in technology have mean that there is a need for stronger regulation required in Ipswich to protect community amenity and environmental impacts.

Commented [BD14]: What's the rationale for this?

Commented [BD15]: Some potential implications on landfill gas electricity generation and the potential for small scale incineration.

Commented [BD16]: This isn't an outcome change in this draft, it was in the icc version

SUMMARY OF CHANGES			ASSESSMENT OF EXISTING TLPI's VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Council resolved TLPI (18 November 2021)	Proposed Ministerial TLPI	Type of change	Rationale for the changes
Rehabilitating a mining void	Restoring a void which clarifies that filling of such voids can only occur if involving only clean earth (i.e. not landfill).	Policy changes to Council resolved TLPI to include <ul style="list-style-type: none"> only apply to the Swanbank/New Chum Area 	New (expanded policy intent)	<ul style="list-style-type: none"> Stronger regulation required in Swanbank/New Chum, to protect community amenity and environmental impacts. The term restoring a void has been used instead of the former rehabilitating a mining void to ensure there is no confusion with existing environmental and mining frameworks.
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	New definition of enclosed and unenclosed composting simplified from the existing definition Additional provisions included to define certain terms (e.g. anaerobic digestion). Removes 200t threshold from definition (new section included in Effect of TLPI section, specifying domestic composting is not subject to TLPI).	As per council resolved TLPI.	New (code drafting)	<ul style="list-style-type: none"> New section included within Part 2 specifying domestic composting is not subject to TLPI. ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc. Note for monitoring: a lack of clarity in the TLPI may lead to ambiguity for both the community, applicants and current operators looking to contemporise their operations.
No definition for 'top of a void' included.	Definition for top of a void proposed, as well as a graphic to support interpretation.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this is used in the TLPI.
No definition included for 'resource recovery facility' (term is not used).	Definition for resource recovery facility proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout TLPI.
No definition included for 'sensitive receiving uses'.	Definition for sensitive receiving uses proposed.	As per council resolved TLPI.	New	<ul style="list-style-type: none"> To provide clarification where this term is used throughout the TLPI

Commented [BD17]: This is a concern as discussed.

Commented [BD18]: This was an advancement from Council's draft

Commented [BD19]: I am not sure if the states version have advanced these any more than the council version?

RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

~~1.2. In 2018–19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.~~

~~1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.~~

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R5]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant high levels of community significant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfill, energy from waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary).

Commented [ND7]: Insertion to address assessment of energy from waste development

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasing ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [BD8R7]: Capitalised as its defined?

Commented [UM9]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

Commented [BD10R9]: Mapping is titled (on plan) which needs consideration.

2.4. In particular, this TLPI seeks to:

- (a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;
- (b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;
- (c) ensure the protection and improvement of the natural environment;
- (d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and
- (e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.

2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

2.7. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- (d) the immediate and long-term protection and improvement of the natural environment.

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - (i) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
 - (ii) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
 - (iii) Ultimate site use considers and responds to the safety, geotechnical stability and

Commented [ND11]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD12]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [ND13]: Amended to clarify purpose of TLPI

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
- (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
- (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND14]: New section – provides context to address development involving energy from waste

Commented [UM15]: New definition, as TLPI now regulates EfW

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND16]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD17R16]: I feel that this has a place in the document, especially considering community perceptions.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 28 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or

- (b) the *Waste Reduction and Recycling Act 2011*; or
- (c) the *Environmental Protection Act 1994*; or
- (d) associated regulations.

5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND18]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND19]: Inserted – previously section 6.1

~~6.2-6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the “Resource Recovery and Waste Activity Code”; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND20]: Deleted – table of assessment not an assessment benchmark

~~6.3-6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND21]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

Formatted: Font: Bold

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

Formatted: Character scale: 100%

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

Formatted: Font: (Default) Arial, 10 pt

Formatted: Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Font: Bold

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012) on a domestic scale.~~

Commented [ND22]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND23]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND24]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code or 4 constitutes undesirable development and is unlikely to be approved/assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void/Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced/protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(e) land that has been scarred by former mining activities is appropriately restored and made available for future uses.

Commented [ND25]: Deleted – heading contains content

Commented [UM26]: Updated for editing purposes.

Commented [UM27]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM28]:

Commented [UM29]: Part 3 of the TLPI.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Left, Indent: Left: 0.67 cm, Hanging: 0.95 cm, Right: 0 cm, Line spacing: single, No bullets or numbering, Tab stops: Not at 1.75 cm

Commented [UM30]: Added – provides link to the relevant assessment provisions for different locations within TLPI.

Commented [BD31]: What's the purpose of this clause?

Commented [BD32]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.

Commented [ND33]: Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area m [1]

Commented [ND34]: Ensure assessment benchmarks have pathway to escalate assessment of development [2]

Commented [BD35R34]: Have you also considered the place of small-scale energy from waste facilities and th [3]

Commented [BD36]: This definition includes existing and proposed.

Commented [BD37]: Impacts could be well beyond noise, odour and dust.

Commented [ND38]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND39]: Determining appropriateness of development will occur through assessment against rel [4]

Commented [BD40R39]: Void restoration will not always occur under the MRA as not all voids have active minin [5]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Swanbank/New Chum Regulated Buffer Area ~~and where is carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;**
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) Particular Waste Activities in the Regulated Buffer Area do not occur;

(c) Waste Activities are only established in the Regulated Activity Area where:

- (i) obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;
- (ii) adverse environmental impacts on and beyond the premises are avoided;
- (iii) any increase in environmental risk on and beyond the premises is avoided; and
- (iv) adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:
 - a. Sensitive Receiving Uses are avoided; and

Commented [ND41]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD42]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (d)(f) ~~extension or expansion of a lawfully existing waste facility or premises results in:~~
- (i) ~~reduction in the reasonable management of the~~ extent and intensity of adverse off-site impacts ~~by improving operations;~~
 - (ii) ~~improvements to the management of adverse off-site impacts~~ ~~by implementing best practice;~~
 - (iii) ~~improved environmental performance;~~
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities/Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [ND43]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND44]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) ~~Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.~~

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

Commented [ND45]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) ~~The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.~~

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND46]: Inserted to refer to relevant table

Commented [ND47]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probably solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD48]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [ND49]: Deleted – on the basis that this is addressed in the purpose of the code.
Specific outcomes:
•should not duplicate the purpose
•should unpack the purpose.

Commented [ND50]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
Waste Activities	
(7) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(8) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided
Filling and earthworks	
(7)(10) <u>Filling and earthworks and ongoing operations associated with Waste Activities:</u> (a) <u>for Landfill, exhaust-prioritises use of materials existing on the premises in priority to the importation of other</u>	No probable solution provided

Commented [ND51]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [ND52]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD53R52]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [BD54]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p>(8)(11) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(12) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</p>	No probable solution provided

Commented [ND55]: Deleted – assessed under another specific outcome.

Commented [ND56]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND57]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM58]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>storm water runoff or the dewatering of a Void;-</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;-</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;-</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;-</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and-</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	
<p>Stormwater and groundwater management</p>	
<p>(13) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p><u>(a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground</u></p>	<p>No probable solution provided</p>

Commented [ND59]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><u>water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p><u>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p><u>(c) where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p><u>(d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p><u>(e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p><u>(f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p><u>(g) for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p><u>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p><u>(i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p><u>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p><u>(k) where possible, avoid complex and technical management systems.</u></p>	
<p>(10)(14) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <p>(a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses;</p> <p>(b) the generation of noise or light does</p>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</p> <p>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented, from the emissions considered in Specific Outcome 10(a) and 10(b) above.</p>	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <p>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</p> <p>(b) avoid all detrimental amenity, environmental or community impacts; and</p> <p>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</p>	<p>No probable solution provided</p>
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <p>(a) the diversion of the waste stream entering the site to:</p> <p>(i) increase the re-use, recycling and recovery of waste resources; and</p> <p>(ii) a reduction in demand for Landfill.</p>	<p>No probable solution provided</p>

Commented [ND60]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD61R60]: Isn't this clause now unclear?

Commented [ND62]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD63R62]: Is this an assessment benchmark for code assessment in the new location?

Commented [ND64]: Deleted. New specific outcome added above.

Commented [BD65R64]: I don't think the new SO works as noted above.

ATTACHMENT DB: Table 4 – Table of Assessment and Relevant Assessment Criteria

Commented [ND66]: Amended. To reflect amendments to the code.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) . Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [UM67]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD68]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [BD69]: Broader assessment benchmarks required. Check references to sections.

Commented [BD70]: As above.

Commented [BD71]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [BD72]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM73]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ does not include—

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8-88.9 **“Restoring a void”** means—

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND74]: New definition. Address energy from waste matter.

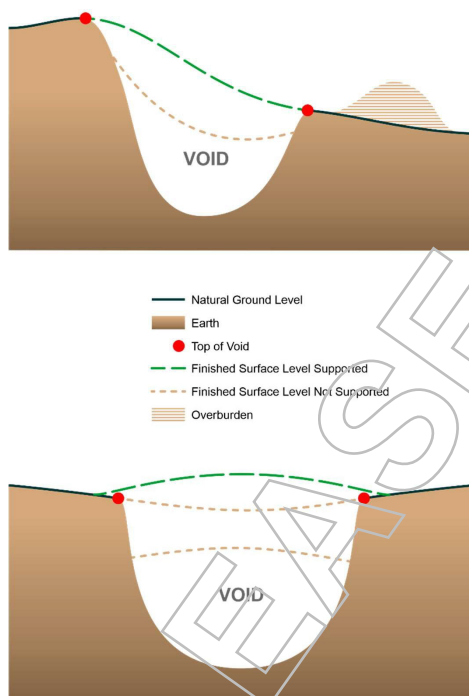
Definition consistent with DES' Waste Policy (June 2020)

Commented [BD75R74]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.448.12 **“Top of a Void”** means—
 (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
 (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.448.15 **“Waste Activity”** means—
 (a) the use of premises for:
 (i) “Compost Manufacturing Enclosed”;
 (ii) “Compost Manufacturing Unenclosed”;
 (iii) [Energy from Waste facility](#)

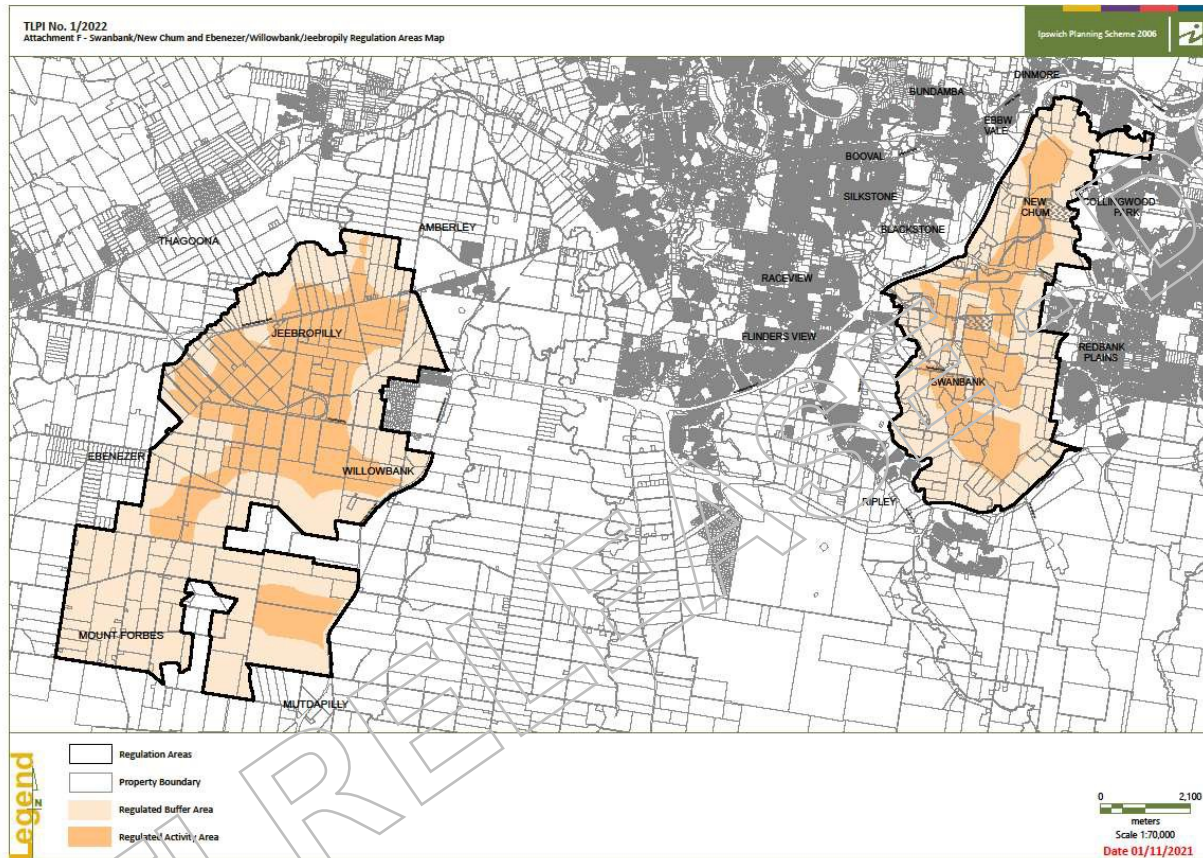
Commented [ND76]: Inserted to ensure provisions apply to energy from waste activities

(iii)(iv) "Landfill";
(iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT FIGURE 1: TLPI BOUNDARY



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD77]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

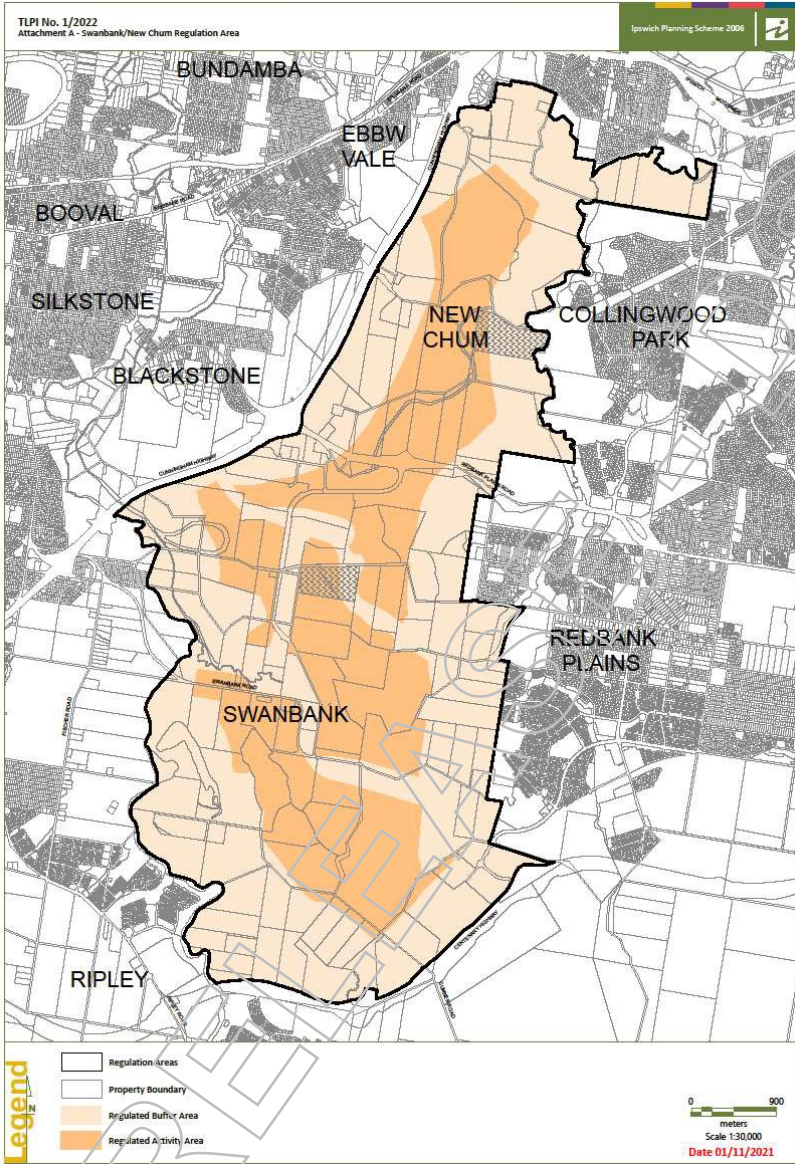
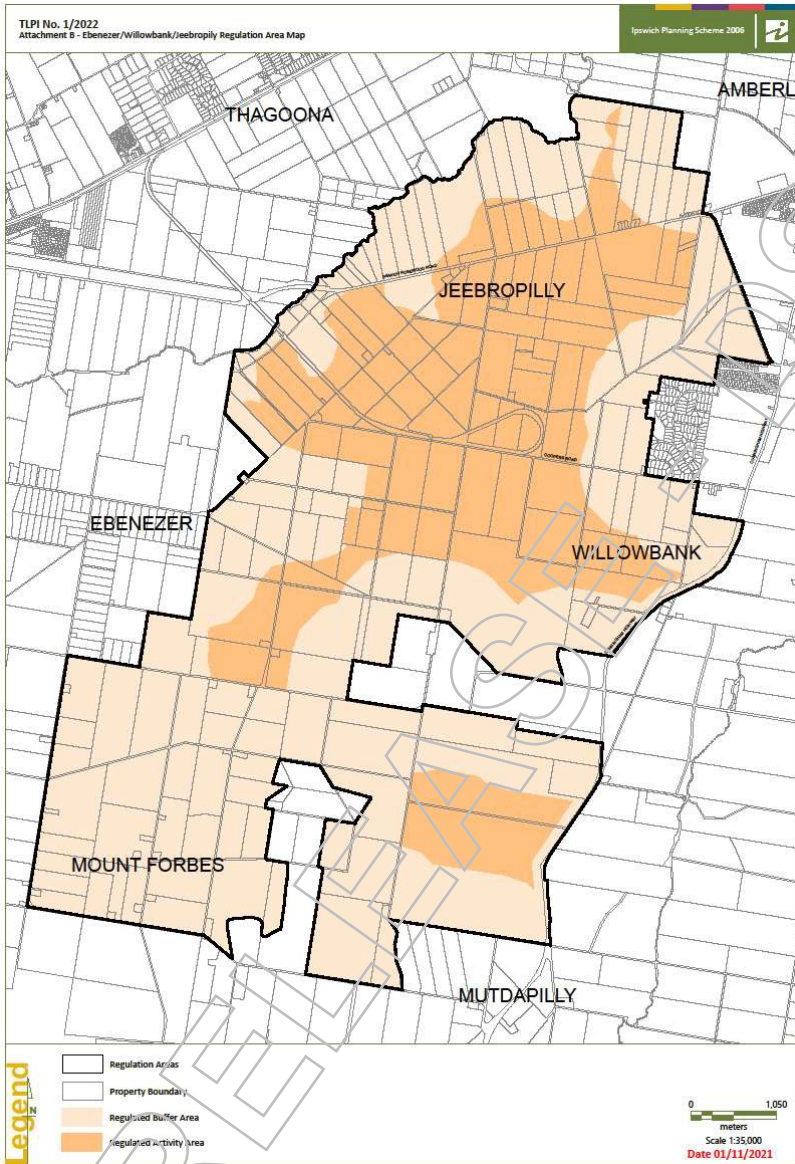


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



Page 12: [1] Commented [ND33]

28/11/2021 4:13:00 PM

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [2] Commented [ND34]

28/11/2021 4:18:00 PM

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [3] Commented [BD35R34]

29/11/2021 2:00:00 PM

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [4] Commented [ND39]

28/11/2021 4:20:00 PM

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [5] Commented [BD40R39]

29/11/2021 2:03:00 PM

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 8:59 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Package 2: Final making

Thanks [Redacted] I'll send an invite for a catch up now.



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

DSDILGP

From: [Redacted]
Sent: Monday, 29 November 2021 5:33 PM

[Redacted]

Subject: Package 2: Final making

Hi [Redacted]

In relation to **Package 2**, [Redacted] and I have started drafting the:

- DP BN
- Letter to Council – Final making
- Draft Gazette and Public Notice
- Human Rights Assessment
- PAR

These docs are here FYI:

[SEQW - plan making - Briefing material - All Documents \(sharepoint.com\)](#)

I'm heading off for the day but can re-group tomorrow.

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 9:04 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Draft TLPI documents

Hi [Redacted],

I have made a folder called Stakeholder feedback:
[SEQW - plan making - ICC - All Documents \(sharepoint.com\)](#)

Both documents are in this folder with titles changed – ICC comments 29-11-21.

We can use these to review and make comments as a team.

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I pay my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Tuesday, 30 November 2021 8:57 AM

[Redacted]

Subject: FW: Draft TLPI documents

Hi [Redacted]

Can you please upload the ICC version of comments into our Sharepoint ASAP. I will commence my review once it has been loaded so that comments /changes can be tracked.

It may be worth creating a new folder 'Stakeholder feedback', change the name and include today's date.

[Redacted] – for discussion once you've had time to review.

Would you both like a check in this morning?

Thanks,

[Redacted]



[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

SDIL GP

From: [Redacted]

Sent: Tuesday, 30 November 2021 6:17 AM

[Redacted]

Subject: FW: Draft TLPI documents

Hi All

I have had a quick look at [Redacted] comments – there are a couple of suggestions in there that are worth exploring but there are no immediate major issues emerging that I can see.

E4W – [Redacted] is asking ask address scale and those applications where gas is taken off the landfill. Given this is an emerging policy area I would be taking a very cautious approach about how prescriptive we are at this stage. Please look at our options and come back to me.

Have we had the TLPI tested yet?

[Redacted] – We need to meet with [Redacted] this week to run through the instrument. Can we plan to do this tomorrow please.

Also – did we get to the bottom of how we treat Swanbank and Ebenezer? Did Council confirm if prefers both sites to be treated the same?

Thanks everyone. I will speak to you this morning.

[Redacted]

RE: [Redacted]

From: [Redacted]

Sent: Monday, 29 November 2021 9:01 PM

[Redacted]

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

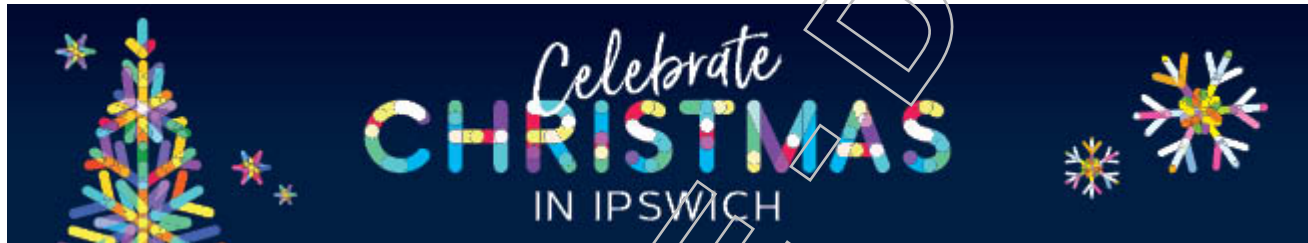
Thanks,

[Redacted]



[Redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T [Redacted] Sch. 4(4)(6) - Disclosing personal information



Confidential Communication | [Email Disclaimer](#)

From [Redacted]

Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents

Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards

[Redacted]



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

RTI RELEASED

DSDILGP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 9:32 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Source container - TLPI

Hi all,

Folder is located at F21/13609.

Thanks,

[Redacted]

[Redacted]



Business Support Officer
Planning and Development Services – SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

P Sch. 4(4)(6) - Disclosing personal information
Level 2, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: [Redacted]

Sent: Tuesday, 30 November 2021 9:26 AM

[Redacted]

Subject: Source container - TLPI

Hi [Redacted]

Can you please create a new Source container as a place holder for us to put things under MF3158.

Call it Temporary Local Planning Instrument No. 1 of 2022. In that new container can you then please make two work requests – one called Notice to make and one called Making. We can then adjust as needed.

Regards



Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDILGP

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: Re: Draft TLPI documents
Date: Tuesday, 30 November 2021 9:41:28 AM
Attachments: [image004.png](#)
[image005.png](#)

Thanks [redacted]

Will chat to [redacted] no worries.

I floated the Swanbank/Ebenezer parity notion with [redacted] and he thought it would address one issue but also create another. He was going to discuss internally and stay in touch with us.

We have had other PDS planners undertake a peer review.

Regards

[redacted]

Get [Outlook for iOS](#)

From: [redacted]
Sent: Tuesday, November 30, 2021 6:17 am

[redacted]

Subject: FW: Draft TLPI documents

Hi All

I have had a quick look at [redacted] comments – there are a couple of suggestions in there that are worth exploring but there are no immediate major issues emerging that I can see.

E4W – [redacted] is asking ask address scale and those applications where gas is taken off the landfill. Given this is an emerging policy area I would be taking a very cautious approach about how prescriptive we are at this stage. Please look at our options and come back to me.

Have we had the TLPI tested yet?

[redacted] We need to meet with [redacted] this week to run through the instrument. Can we plan to do this tomorrow please.

Also – did we get to the bottom of how we treat Swanbank and Ebenezer? Did Council confirm if prefers both sites to be treated the same?

Thanks everyone. I will speak to you this morning.

[redacted]

From: [redacted]
Sent: Monday, 29 November 2021 9:01 PM

[redacted]

[Redacted]

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

Thanks,

[Redacted]



[Redacted]

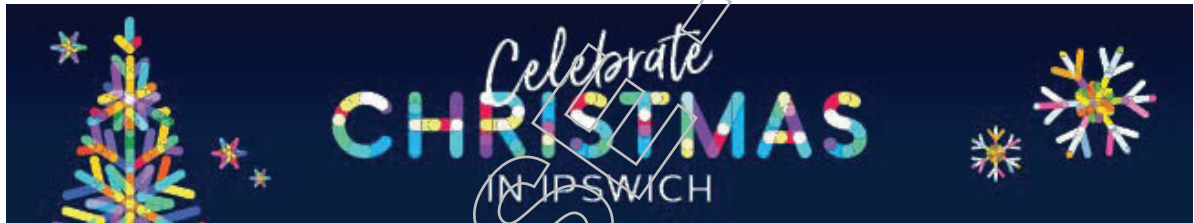
Manager, City Design

City Design Branch

Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T

Sch. 4(4)(6) -
Disclosing personal
information



Confidential Communication | [Email Disclaimer](#)

From [Redacted]

Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents

Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards

[Redacted]



Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

RTI RELEASED

DISCLOSED GP

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Draft TLPI documents
Date: Tuesday, 30 November 2021 9:46:01 AM
Attachments: [image001.png](#)
[image003.png](#)
[image012.png](#)
[image014.png](#)
[image004.png](#)
[image005.png](#)
[image016.png](#)
[image017.png](#)

Thanks [redacted]

[redacted]
State Planner & Deputy Director-General
Office of the State Planner
Department of State Development, Infrastructure,
Local Government and Planning

[Microsoft Teams – meet now](#)
Sch. 4(4)(6) - Disclosing personal information
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au

From: [redacted]
Sent: Tuesday, 30 November 2021 9:41 AM

[redacted]

Subject: Re: Draft TLPI documents

Thanks [redacted]

Will chat to [redacted] no worries.

I floated the Swanbank/Ebenezer parity notion with [redacted] and he thought it would address one issue but also create another. He was going to discuss internally and stay in touch with us.

We have had other PDS planners undertake a peer review.

Regards
[redacted]

Get [Outlook for iOS](#)

From: [redacted]
Sent: Tuesday, November 30, 2021 6:17 am

[redacted]

Subject: FW: Draft TLPI documents

Hi All

I have had a quick look at [redacted] comments – there are a couple of suggestions in there that are worth exploring but there are no immediate major issues emerging that I can see.

E4W – [redacted] is asking ask address scale and those applications where gas is taken off the landfill. Given this is an emerging policy area I would be taking a very cautious approach about how prescriptive we are at this stage. Please look at our options and come back to me.

Have we had the TLPI tested yet?

[redacted] We need to meet with [redacted] this week to run through the instrument. Can we plan to do this tomorrow please.

Also – did we get to the bottom of how we treat Swanbank and Ebenezer? Did Council confirm if prefers both sites to be treated the same?

Thanks everyone. I will speak to you this morning.

[redacted]

From: [redacted]
Sent: Monday, 29 November 2021 9:01 PM

Subject: RE: Draft TLPI documents

Hi all,

I have made some comments in track changes for your consideration. I have completed these pretty quickly so haven't spent much time editing them.

Happy to discuss.

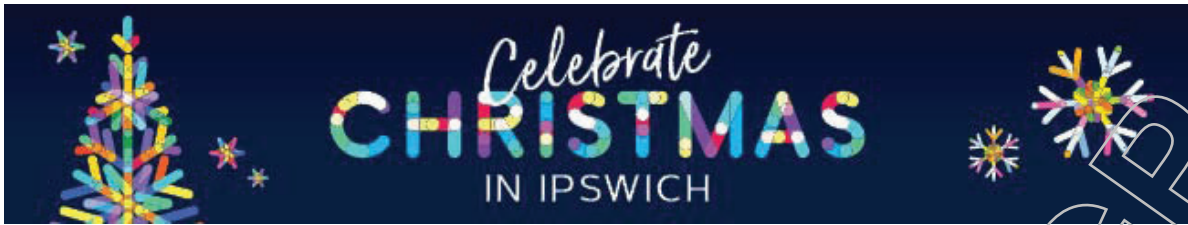
Thanks,

[redacted]



[redacted] Manager, City Design
City Design Branch
Planning and Regulatory Services Department
IPSWICH CITY COUNCIL T

Sch. 4(4)(6) -
Disclosing personal
information



Confidential Communication | [Email Disclaimer](#)

From: [Redacted]

Sent: Monday, 29 November 2021 12:06 PM

[Redacted]

Subject: Draft TLPI documents

Importance: High

Hi [Redacted]

Thank you for your time this morning.

Please find attached a copy of the draft TLPI and comparison table showing the changes.

As discussed, we would appreciate any comments or feedback you have, by tomorrow Tuesday 30 November.

Regards

[Redacted]

[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au

This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

[redacted]
From: [redacted]
Sent: Tuesday, 30 November 2021 11:44 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Package 2: Final making

Thanks [redacted] – can you please extract all word documents for Pack 2 into a reply email please?

Cheers,
[redacted]



[redacted]
Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

From [redacted]
Sent: Monday, 29 November 2021 5:33 PM

[redacted]
Subject: Package 2: Final making

Hi [redacted]

In relation to **Package 2**, [redacted] and I have started drafting the:

- DP BN
- Letter to Council – Final making
- Draft Gazette and Public Notice
- Human Rights Assessment
- PAR

These docs are here FYI:

[SEQW - plan making - Briefing material - All Documents \(sharepoint.com\)](#)

I'm heading off for the day but can re-group tomorrow.

Kind regards,



Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I agree to respect an elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 12:00 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Existing TLPI gazette notices

Thanks

Regards

[Redacted]



**Queensland
Government**

[Redacted]

Regional Director (South)
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



From: [Redacted]

Sent: Tuesday, 30 November 2021 11:40 AM

[Redacted]

Subject: Existing TLPI gazette notices

Hi [Redacted]

- Copy of current TLPI gazette notices
- Swanbank TLPI No. 1 – page 5 of pdf
- Willowbank TLPI No. 2

Regards



Principal Planning Officer
SEQ West, Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE - DSDILGP

From: [redacted]
To: [redacted]
Cc:
Subject: RE: Package 2: Final making
Date: Tuesday, 30 November 2021 12:13:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[DEPUTY PREMIER DECISION BRIEF - Final Making Ministerial TLPI.docx](#)
[Draft gazette and public notice - Final making.docx](#)
[Draft gazette and public notice - repeal.docx](#)
[Human rights assessment - Final making.docx](#)
[Letter to council - Final making.docx](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image010.png](#)
[image011.png](#)

Hi [redacted]

Please see attached:

- Letter to council – final making
- Draft gazette and public notice – final making
- Draft gazette and public notice – repeal
- DP BN – final making
- Human Rights – final making

Kind regards,

[redacted]
Senior Planning Officer
Planning and Development Services, SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

From: [redacted]
Sent: Tuesday, 30 November 2021 11:44 AM

Subject: RE: Package 2: Final making

Thanks [redacted] – can you please extract all word documents for Pack 2 into a reply email please?

Cheers,

[Redacted]

[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing
personal
information

From:

[Redacted]

Sent: Monday, 29 November 2021 5:33 PM

[Redacted]

Subject: Package 2: Final making

Hi

[Redacted]

In relation to **Package 2**, [Redacted] and I have started drafting the:

- DP BN
- Letter to Council – Final making
- Draft Gazette and Public Notice
- Human Rights Assessment
- PAR

These docs are here FYI:

[SEQW - plan making - Briefing material - All Documents \(sharepoint.com\)](#)

I'm heading off for the day but can re-group tomorrow.

Kind regards,

[Redacted]

Senior Planning Officer

Planning and Development Services, SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au

SUBJECT Decision to make Temporary Local Planning Instrument (TLPI) No. 1 of 2022 (Resource Recovery and Waste Activity Regulation) (the proposed TLPI)

<p>Note: This brief is considered draft until signed.</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Not approved</p> <p><input type="checkbox"/> Noted</p> <p><input type="checkbox"/> Further information required (see comments)</p>	<p>Signed..... Date...../...../.....</p> <p>Hon. Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning Minister Assisting the Premier on Olympics Infrastructure</p> <p>Comments:</p>
--	--

ACTION REQUIRED BY XXXXX to ensure the proposed TLPI is in place before 27 January 2022.

RECOMMENDATION

It is recommended that you:

- **note** your decision of XX MONTH 2021 (Briefing Note MBNXXXXX) to give Notice to Ipswich City Council (the council) under section 27(2) of the *Planning Act 2016* (the Planning Act) stating your intention to make the proposed TLPI (the Notice) (**Attachment 1**)
- **note** this Notice was given to council by letter dated XX MONTH 2021 (**Attachment 2**)
- **note** you may now make the TLPI as required under the process in the Minister's Guidelines and Rules without giving a direction to council or consulting with any person before taking this action.
- **decide** to make the proposed TLPI (**Attachment 3**) for the reasons outlined in the Notice
- **decide** to repeal the existing TLPI No. 1 of 2020 (Waste Activity Regulation) for the reasons outlined in the Notice
- **sign** the attached letter to Ms Sonia Cooper, Chief Executive Officer of the council (**Attachment 4**), advising the council of your decision and enclosing a copy of the TLPI (**Attachment 3**)
- **note** that, if made, the TLPI will take effect on the day the public notice is given in the Queensland Government Gazette in accordance with section 9 of the Planning Act, and will be in effect for two years, unless repealed earlier
- **approve** the Department of State Development, Infrastructure, Local Government and Planning (the department) to take the necessary steps under the Planning Act and Minister's Guidelines and Rules to publish a public notice about the proposed TLPI and TLPI repeal in a local newspaper and the Queensland Government Gazette (**Attachment 5**)
- **note** the department will provide a copy of the public notice to the council.

KEY ISSUES

- Following your decision of XX MONTH 2021 (Briefing Note MBNXXXXX), the Notice was given to the council by letter dated XX MONTH 2021 stating your intention to make the proposed TLPI for the reasons set out in the Notice.
- [insert Council's response if any and if anyone else was consulted].

- Under section 27(3) of the Planning Act, you may now make the TLPI as required under the process in the Minister's Guidelines and Rules without giving a direction to council or consulting with any person before taking this action.
- Relevantly the department considers that there have been no changes in the matters set out in Briefing Note MBNXXXXX that would alter the terms of the TLPI or the reasons for making it urgently. The department's full assessment is set out in Attachment 6.
- Should you decide to make the TLPI then the following steps will need to be undertaken:
 - send a letter to Ms Sonia Cooper, Chief Executive Officer of the council (Attachment 4), advising the council of your decision and enclosing a copy of the TLPI (Attachment 3)
 - undertake the necessary steps under the Planning Act and Minister's Guidelines and Rules to publish a public notice about the proposed TLPI in a local newspaper and the Queensland Government Gazette
 - the department will provide a copy of the public notice to the council, including for publication on the council's website.
- The TLPI will take effect on the day the public notice is given in the Queensland Government Gazette in accordance with section 9 of the Planning Act, and will be in effect for two years, unless repealed earlier

RESULTS OF CONSULTATION

- Legal Services have been consulted in the preparation of this brief. Otherwise, these are as outlined in the Briefing Note MBNXXXXX.

RESOURCE/FINANCIAL IMPLICATIONS

- There are no resource (e.g. staffing) or financial implications associated with this briefing note.

SENSITIVITIES/RISKS

- These are as outlined in the Briefing Note MBNXXXXX.

HUMAN RIGHTS ACT

- The human rights that have been considered as potentially being relevant to this decision are property rights (the right to own property and not be arbitrarily deprived of it), the right to freedom of expression, the right to take part in public life and the right to equality before the law. The department's assessment found that this decision limits the freedom of expression and property rights.
- The decision is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of that Act. Refer to the attached human rights impact assessment (Attachment 7).

<p>Author Name: XXXXX Position: XXXXXX Unit: Planning and Development Services Tel/Mob No: XXXXX Date: X November 2021</p>	<p>Approved by (Dir/Exec Dir) Name: <input type="text"/> Position: Executive Director Branch: Planning and Development Services Tel/Mob No: Sch. 4(4)(6) Date: Insert text disclosing personal information</p>	<p>Approved by (SP) Name: <input type="text"/> Division: Planning Group Tel/Mob No: Sch. 4(4)(6) Date: Insert text disclosing personal information</p>	<p>Director-General Endorsement Name: Damien Walker Signed Date/...../.....</p>
---	---	---	--

- Note: This brief is considered draft until signed.**

Notice to be published in the Queensland Government Gazette:

Planning Act 2016

**NOTICE OF THE MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022 -
RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION (TLPI No. 1/2022)**

IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, notify that I have made TLPI No. 1/2022 in accordance with section 27(3) of the *Planning Act 2016* and the Minister's Guidelines and Rules September 2020. TLPI No. 1/2022 will have effect on **<gazette date to be added>** and will have effect for a period of two years unless repealed sooner.

Purpose and General Effect

TLPI No. 1/2022 is a temporary local planning instrument under section 23 of the *Planning Act 2016*. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument but does not amend or repeal the instrument.

The purpose of TLPI No. 1/2022 is to regulate development applications for new or expanded waste activities on land within the TLPI boundary of the Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly areas in the Ipswich region to ensure the regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities, facilitate and manage the restoration of areas affected by past mining operations, and the immediate and long-term protection and improvement of the natural environment.

Location of Area to which TLPI No. 1 of 2022 Applies

TLPI No. 1/2022 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank/New Chum Regulation Area and the Ebenezer/Willowbank/Jeebropilly Regulation Area, which are Figures 1 to 3 to the TLPI.

Further Information

Copies of TLPI No. 1/2022 are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's South East Queensland West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. TLPI No. 1/2022 can also be viewed online at planning.statedevelopment.qld.gov.au and searching 'Temporary Local Planning Instruments'.

For more information, please either visit the council's Customer Service Centre or telephone Planning and Development Services, State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP
Deputy Premier
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Notice to be published in the Queensland Government Gazette:

Planning Act 2016

**NOTICE OF REPEAL OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2020 -
WASTE ACTIVITY REGULATION (TLPI 01/2020)**

IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, notify that I have repealed TLPI 01/2020 in accordance with section 27(3) of the *Planning Act 2016* and the Minister's Guidelines and Rules September 2020.

Purpose and General Effect

TLPI 01/2020 is a temporary local planning instrument under section 23 of the *Planning Act 2016* that took effect on 1 April 2020. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument, but does not amend or repeal the instrument.

Under section 27(1) of the *Planning Act 2016*, I have determined it is necessary to repeal TLPI 01/2020 and to replace it with a new temporary local planning instrument I will make under section 27(3) of the *Planning Act 2016*.

Location of Area to which TLPI No. 1 of 2020 Applies

TLPI No. 1 of 2020 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank/New Churn Regulation Area, identified as Attachment A to the TLPI.

Further Information

Copies of my notice of repeal are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's South East Queensland West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. The notice can also be viewed online at planning.statedevelopment.qld.gov.au and searching 'Temporary Local Planning Instruments'.

For more information please either visit the council's Customer Service Centre or telephone Planning and Development Services, State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP
Deputy Premier
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Human Rights Impact Assessment

Introduction

The *Human Rights Act 2019* protects 23 human rights. The principal aim of the Human Rights Act is to ensure that respect for human rights is embedded in the culture of our public sector. The Human Rights Act requires public entities to:

- act and make decisions in a way that is compatible with human rights; and
- in making a decision, give proper consideration to any human rights relevant to the decision.

The Human Rights Act applies to public entities, which includes the Minister, the Coordinator-General, the Director-General, other decision makers and delegates, the department and public service employees. It also applies to an entity established under an Act, for example: the Economic Development Board, South Bank Corporation and Queensland Reconstruction Authority.

The purpose of this assessment is to demonstrate how human rights have been considered for the decision or action. This has involved considering:

- whether any human rights protected by the Human Rights Act are likely to be relevant to the decision/action
- whether there is potential for those identified human rights to be limited by the decision/action
- the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom
- the relationship between the limitation on human rights and its purpose, including whether the limitation helps to achieve the purpose
- if there is potential for human rights to be limited by the decision/action, whether a less restrictive way of achieving the purpose of the decision/action is reasonably available
- if there is no less restrictive way of achieving the purpose of the decision/action, whether on balance any limitation compatible with human rights on the basis that the limitation is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Decision or action

The proposed decision will involve:

- the Minister taking urgent action under section 27(1) of the *Planning Act 2016* (Planning Act) and making a temporary local planning instrument described as *Temporary Local Planning Instrument No. 1 of 2022 (Resource Recovery and Waste Activity Regulation)* (the proposed TLPI)

The purpose of TLPI No. 1/2022 is to regulate development applications for new or expanded waste activities on land within the TLPI boundary of the Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly areas in the Ipswich region to ensure the regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities, facilitate and manage the restoration of areas affected by past mining operations, and the immediate and long-term protection and improvement of the natural environment.

1. Identify relevant human rights (refer Appendix 1)

The human rights under the Human Rights Act most likely to be relevant to the decisions, include:

- section 15 – recognition and equality before the law
- section 21 – freedom of expression
- section 23 – taking part in public life, and
- section 24 – property rights (the right to own property and not be arbitrarily deprived of it).

2. Consider whether human rights will be limited by the decision or action

The department considers that the proposed decision to make the TLPI **will not** potentially limit (or interfere with) the identified human rights in sections 15 and 23 of the Human Rights Act, as outlined below:

a) *section 15 – recognition and equality before the law*

- Section 15 of the Human Rights Act relevantly provides that every person:
 - has the right to recognition as a person before the law and the right to enjoy their human rights without discrimination
 - is equal before the law and is entitled to equal protection of the law without discrimination. Every person is entitled to equal and effective protection against discrimination
- In summary, section 15 is concerned with policy, legislation or other actions that may be discriminatory.
- The proposed TLPI will affect the level of assessment for applicable types of development.
- The process to make, or material effect of, the proposed TLPI is not considered to be discriminatory as the proposed TLPI will not apply differently to different people who may be subject to the TLPI, rather it seeks to extend existing assessment provisions under the Ipswich Planning Scheme to all properties that are applicable under the TLPI. Therefore, this right is not being limited by the decision

b) *section 23 – taking part in public life*

- Section 23 protects the rights and opportunities of every person in Queensland to take part in public life without discrimination. This includes the right to communication of information and ideas about public and political issues.
- To the extent this right relates to the public's ability to communicate information and ideas about public issues, this right has been identified as relevant. However it is noted that the TLPI does not have an effect on an individual's right to take part in public life, or the right to vote or the right to be elected to public office.
- Although the proposed TLPI may affect assessment processes for certain development types, it is considered that the proposed TLPI does not limit the human right under section 23 because it has no impact on an individual's right to participate in public life in terms of electoral processes such as the right to vote or the right to be elected to public office.

The department considers that the decision **will** potentially limit (or interfere with) the identified human rights in section 21 and 24 of the Human Rights Act, as outlined below:

c) section 21 – freedom of expression

- Section 21 protects the right of individuals to hold and express opinions without interference and the freedom to seek, receive and impart information and ideas of all kinds. These rights can be impacted by decisions made in relation to the provision of information or restrictions on access to information.
- Under the Planning Act, there is no requirement for public consultation on TLPIs made by the Minister before they take effect. This is because a TLPIs made by the Minister under section 27 of the Planning Act are only made when the Minister considers that the TLPI must be made urgently. Accordingly, the public will not have an opportunity to have a say on the proposed measures. However, given the proposed TLPI is based primarily on existing TLPIs (of which the public is aware), it is considered that there is already a general knowledge and understanding of the proposed TLPI's policy intent and general effect.
- Given the proposed TLPI makes more development types assessable development (including impact assessment), it adds a greater level of ability for members of the public to object to a development application. For impact assessable development applications, it affords submitters the rights to appeal a development application in the Planning and Environment Court. In addition, it is also noted that any member of the public may start a proceeding (including a declaratory proceeding) in the Planning and Environment Court about a matter done (for example, a Development Permit issued by the Ipswich City Council). In this respect it can be said that the right to freedom of expression is enhanced by the proposed decisions.

d) section 24 – property rights (the right to own property and not be arbitrarily deprived of it)

- Section 24 protects the rights of individuals to own property and to not be arbitrarily deprived of property. This right is potentially engaged by decisions that restrict the use of private property, including under planning laws.
- The proposed TLPI may potentially limit a person's right to develop their property, where subject to the TLPI. This is because the TLPI introduces additional provisions relating to resource recovery and waste activities.

3. Determine whether the limit is reasonable and justifiable

The department's assessment has found that the decision **will** potentially limit (or interfere with) the identified human rights in section 21 (freedom of expression) and 24 (property rights) of the Human Rights Act.

The department considers that the potential limitation on these rights is reasonable and justifiable, for the purposes of section 13 of the Human Rights Act based on the following:

The purpose of the limitation and whether it will achieve its purpose

As noted above, the purpose of making the TLPI is to protect sensitive receiving uses from adverse impacts including odour, dust, noise, air quality and amenity resulting from resource recovery and waste activity uses.

Less restrictive, reasonably available alternatives

The department has considered whether there are other ways of achieving the purpose above just as effectively, but in a way that limits human rights to a lesser degree. The department has also considered whether the measure strikes a fair balance between the benefits gained to the public by the making of the TLPI, against the potential limits to the human rights identified above.

Section 21 – freedom of expression

a) The provisions are only temporary

- First and foremost, the proposed TLPI is only a temporary measure that applies for up to two years and therefore limits on human rights only apply for a limited time.
- A TLPI is an appropriate instrument made under the Planning Act that can address planning issues urgently whilst appropriate review, drafting and consultation can occur on longer-term amendments to the planning scheme.

b) Community consultation will occur in the future

- The department considers the council should seek to integrate the policy intent of the TLPI either through an amendment to the planning scheme or through incorporation into a new planning scheme. Under this process, the community would have an opportunity to provide comment on the provisions.
- Should this process be followed, the human rights of section 21 (freedom of expression) will be advanced.

c) Urgent action is required to respond to a state interest

- The current planning scheme provisions are deficient in relation to resource recovery and waste management.
- Immediate action is required to provide protect amenity values in the Ipswich local government area.

d) The TLPI is a precautionary measure

- The proposed TLPI is a precautionary measure to prevent further adverse impacts from waste activities in the Ipswich local government area.

Given the benefits to be achieved by the proposed TLPI and the urgency explained above, the department has assessed that there is no other less restrictive way of achieving the outcome. The proposed TLPI is considered appropriate despite the potential limitation on the human right of freedom of expression. Further, the public will have an opportunity to comment on relevant matters as part of a planning scheme amendment or new planning scheme process should this occur.

Accordingly, it is considered that the potential limitation on the right to freedom of expression by the making of the TLPI is compatible with human rights because it limits a human right only to the extent that is reasonable and justifiable in accordance with section 13 of the Human Rights Act.

Section 24 – property rights

The proposed TLPI may potentially limit a person's right to develop their property to the current extent allowable based on provisions within the planning scheme. However, the protection of amenity for sensitive receiving uses is considered to result in development outcomes which protect, or give effect to, state interests.

The proposed TLPI has been drafted to ensure a balance that allows for resource recovery and waste activities to occur in appropriate areas setback from sensitive receiving uses.

Having regard to the above considerations, the proposed TLPI is considered necessary to achieve the purpose of protecting sensitive receiving uses from the adverse impacts of waste activities. The TLPI is therefore considered appropriate despite the potential limitation on the property rights of land owner's within the Ipswich local government area.

It is considered there is no other less restrictive way to achieve the outcome. As noted above, it is also significant that the TLPI is only a temporary measure that applies for up to two years and therefore limits human rights only apply for a specified time.

In conclusion it is considered that the limitation on property rights is compatible with human rights because it limits a human right only to the extent that is reasonable and justifiable in accordance with section 13 of the Human Rights Act.

Conclusion

The decision is compatible with human rights under the Human Rights Act because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the Human Rights Act.

RTI RELEASE - DSD/11/01/01

Appendix 1 - List of rights

The Human Rights Act sets out 23 mainly civil and political rights that are largely derived from the International Covenant on Civil and Political Rights:

- Right to recognition as a person and equality before the law (s15)
- Right to life and right not to be arbitrarily deprived of life (s16)
- Protection from torture and cruel, inhuman or degrading treatment (s17)
- Freedom from forced work – a person must not be held in slavery or servitude or made to perform forced or compulsory labour (s18)
- Freedom of movement – a right to move freely within Queensland and leave and enter it and freedom to choose where to live (s19)
- Freedom of thought, conscience, religion and belief (s20)
- Freedom of expression which includes the right to hold an opinion and the freedom to seek, receive and impart information and ideas of all kinds (s21)
- Right to peaceful assembly and freedom of association with others including the right to form and join trade unions (s22)
- Right to participate in the conduct of public affairs including a right to vote (s23)
- Right to own property and not be arbitrarily deprived of property (s24)
- Right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with and right not to have reputation unlawfully attacked (s25)
- Protection of families and children (s26)
- Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practise their religion and use their language (s27)
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (s28)
- Right to liberty and security of person including a right not to be subjected to arbitrary arrest or detention (s29)
- Right to humane treatment when deprived of liberty (s30)
- Right to a fair hearing if charged with a criminal offence or a party to a civil proceeding (s31)
- Rights in criminal proceedings including a right to be presumed innocent until proved guilty according to law (s32)
- Rights of children in the criminal process including a right to be segregated from all detained adults (s33)
- Right not to be tried or punished more than once for an offence for which the person has already been convicted or acquitted (s34)
- Protection against retrospective criminal laws including a right not to be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in (s35)
- Right to education (s36)
- Right to health services (s37).

Detailed information on the scope of each right, and examples of when the right may be relevant in practice are available from the Queensland Human Rights Commission: www.qhrc.qld.gov.au/your-rights/human-rights-law.



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MBNXXXX

Ms Sonia Cooper
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4308

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone + 61 3719 7100
Email deputy.premier@ministerial.qld.gov.au
Website www.statedevelopment.qld.gov.au
ABN 65 959 415 158

Dear Ms Cooper

On [insert date here], I provided Ipswich City Council with notice of my intention to make *Temporary Local Planning Instrument No. 1 of 2022 – Resource Recovery and Waste Activity Regulation* (the TLPI).

I wish to advise that I have exercised my powers under section 27 of the *Planning Act 2016* and have now made the TLPI. A copy of the TLPI is enclosed. The TLPI will take effect on the day public notice is given in the Queensland Government Gazette. The Department of State Development, Infrastructure, Local Government and Planning (the department) will provide you with a copy of this public notice.

The TLPI will suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* (the planning scheme). The TLPI will be in effect for two years. During this time, I expect the council to incorporate the TLPI into a new planning scheme. Departmental officers will continue to be available to support the council as part of this process.

If you have any questions about my advice to you, please contact my Chief of Staff, Ms Danielle Cohen by email at deputy.premier@ministerial.qld.gov.au or by telephone on (07) 3719 7100.

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Enc (2)

cc:

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 12:14 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Package 2: Final making
Attachments: DEPUTY PREMIER DECISION BRIEF - Final Making Ministerial TLPI.docx; Draft gazette and public notice - Final making.docx; Draft gazette and public notice - repeal.docx; Human rights assessment - Final making.docx; Letter to council - Final making.docx

Hi [Redacted]

Please see attached:

- Letter to council – final making
- Draft gazette and public notice – final making
- Draft gazette and public notice – repeal
- DP BN – final making
- Human Rights – final making

Kind regards,



[Redacted]

Senior Planning Officer
Planning and Development Services, SEQ West
 Department of State Development, Infrastructure,
 Local Government and Planning

Sch. 4(4)(6) -
 Disclosing personal
 information

117 Brisbane Street, Ipswich QLD 4305
 PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
 I offer my respect to elders past, present and emerging as we work towards a just,
 equitable and reconciled Australia.*



From: [Redacted]
Sent: Tuesday, 30 November 2021 11:44 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Package 2: Final making

Thanks Corey – can you please extract all word documents for Pack 2 into a reply email please?

Cheers,
[Redacted]



[Redacted]

Planning Manager

SEQ West

Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) - Disclosing
personal information

From: [Redacted]

Sent: Monday, 29 November 2021 5:33 PM

To: [Redacted]

Cc:

Subject: Package 2: Final making

Hi [Redacted]

In relation to **Package 2**, [Redacted] and I have started drafting the:

- DP BN
- Letter to Council – Final making
- Draft Gazette and Public Notice
- Human Rights Assessment
- PAR

These docs are here FYI:

[SEQW - plan making - Briefing material - All Documents \(sharepoint.com\)](#)

I'm heading off for the day but can re-group tomorrow.

Kind regards,



[Redacted]

Senior Planning Officer

Planning and Development Services, SEQ West

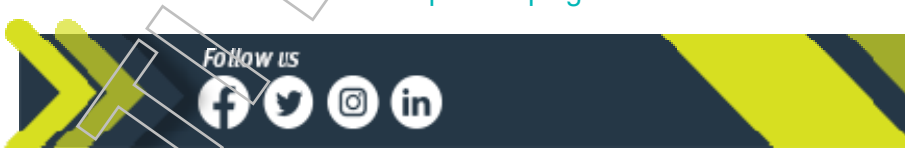
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

Level 4, 117 Brisbane Street, Ipswich QLD 4305

PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I pay my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



SUBJECT Decision to make Temporary Local Planning Instrument (TLPI) No. 1 of 2022 (Resource Recovery and Waste Activity Regulation) (the proposed TLPI)

<p>Note: This brief is considered draft until signed.</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Not approved</p> <p><input type="checkbox"/> Noted</p> <p><input type="checkbox"/> Further information required (see comments)</p>	<p>Signed..... Date...../...../.....</p> <p>Hon. Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning Minister Assisting the Premier on Olympics Infrastructure</p> <p>Comments:</p>
--	--

ACTION REQUIRED BY XXXXX to ensure the proposed TLPI is in place before 27 January 2022.

RECOMMENDATION

It is recommended that you:

- **note** your decision of XX MONTH 2021 (Briefing Note MBNXXXXX) to give Notice to Ipswich City Council (the council) under section 27(2) of the *Planning Act 2016* (the Planning Act) stating your intention to make the proposed TLPI (the Notice) (**Attachment 1**)
- **note** this Notice was given to council by letter dated XX MONTH 2021 (**Attachment 2**)
- **note** you may now make the TLPI as required under the process in the Minister's Guidelines and Rules without giving a direction to council or consulting with any person before taking this action.
- **decide** to make the proposed TLPI (**Attachment 3**) for the reasons outlined in the Notice
- **decide** to repeal the existing TLPI No. 1 of 2020 (Waste Activity Regulation) for the reasons outlined in the Notice
- **sign** the attached letter to Ms Sonia Cooper, Chief Executive Officer of the council (**Attachment 4**), advising the council of your decision and enclosing a copy of the TLPI (**Attachment 3**)
- **note** that, if made, the TLPI will take effect on the day the public notice is given in the Queensland Government Gazette in accordance with section 9 of the Planning Act, and will be in effect for two years, unless repealed earlier
- **approve** the Department of State Development, Infrastructure, Local Government and Planning (the department) to take the necessary steps under the Planning Act and Minister's Guidelines and Rules to publish a public notice about the proposed TLPI and TLPI repeal in a local newspaper and the Queensland Government Gazette (**Attachment 5**)
- **note** the department will provide a copy of the public notice to the council.

KEY ISSUES

- Following your decision of XX MONTH 2021 (Briefing Note MBNXXXXX), the Notice was given to the council by letter dated XX MONTH 2021 stating your intention to make the proposed TLPI for the reasons set out in the Notice.
- [insert Council's response if any and if anyone else was consulted].

- Under section 27(3) of the Planning Act, you may now make the TLPI as required under the process in the Minister's Guidelines and Rules without giving a direction to council or consulting with any person before taking this action.
- Relevantly the department considers that there have been no changes in the matters set out in Briefing Note MBNXXXXX that would alter the terms of the TLPI or the reasons for making it urgently. The department's full assessment is set out in Attachment 6.
- Should you decide to make the TLPI then the following steps will need to be undertaken:
 - send a letter to Ms Sonia Cooper, Chief Executive Officer of the council (Attachment 4), advising the council of your decision and enclosing a copy of the TLPI (Attachment 3)
 - undertake the necessary steps under the Planning Act and Minister's Guidelines and Rules to publish a public notice about the proposed TLPI in a local newspaper and the Queensland Government Gazette
 - the department will provide a copy of the public notice to the council, including for publication on the council's website.
- The TLPI will take effect on the day the public notice is given in the Queensland Government Gazette in accordance with section 9 of the Planning Act, and will be in effect for two years, unless repealed earlier

RESULTS OF CONSULTATION

- Legal Services have been consulted in the preparation of this brief. Otherwise, these are as outlined in the Briefing Note MBNXXXXX.

RESOURCE/FINANCIAL IMPLICATIONS

- There are no resource (e.g. staffing) or financial implications associated with this briefing note.

SENSITIVITIES/RISKS

- These are as outlined in the Briefing Note MBNXXXXX.

HUMAN RIGHTS ACT

- The human rights that have been considered as potentially being relevant to this decision are property rights (the right to own property and not be arbitrarily deprived of it), the right to freedom of expression, the right to take part in public life and the right to equality before the law. The department's assessment found that this decision limits the freedom of expression and property rights.
- The decision is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of that Act. Refer to the attached human rights impact assessment (Attachment 7).

<p>Author Name: XXXXX Position: XXXXXX Unit: Planning and Development Services Tel/Mob No: XXXXX Date: X November 2021</p>	<p>Approved by (Dir/Exec Dir) Name: [Redacted] Position: Executive Director Branch: Planning and Development Services Tel/Mob No: [Redacted] Date: Insert text Sch. 4(4)(6) - Disclosing personal information</p>	<p>Approved by (SP) Name: [Redacted] Division: Planning Group Tel/Mob No: [Redacted] Date: Insert text Sch. 4(4)(6) - Disclosing personal information</p>	<p>Director-General Endorsement Name: Damien Walker Signed Date/...../.....</p>
--	--	---	---

- Note: This brief is considered draft until signed.**

Notice to be published in the Queensland Government Gazette:

Planning Act 2016

**NOTICE OF THE MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022 -
RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION (TLPI No. 1/2022)**

IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, notify that I have made TLPI No. 1/2022 in accordance with section 27(3) of the *Planning Act 2016* and the Minister's Guidelines and Rules September 2020. TLPI No. 1/2022 will have effect on **<gazette date to be added>** and will have effect for a period of two years unless repealed sooner.

Purpose and General Effect

TLPI No. 1/2022 is a temporary local planning instrument under section 23 of the *Planning Act 2016*. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument but does not amend or repeal the instrument.

The purpose of TLPI No. 1/2022 is to regulate development applications for new or expanded waste activities on land within the TLPI boundary of the Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly areas in the Ipswich region to ensure the regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities, facilitate and manage the restoration of areas affected by past mining operations, and the immediate and long-term protection and improvement of the natural environment.

Location of Area to which TLPI No. 1 of 2022 Applies

TLPI No. 1/2022 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank/New Chum Regulation Area and the Ebenezer/Willowbank/Jeebropilly Regulation Area, which are Figures 1 to 3 to the TLPI.

Further Information

Copies of TLPI No. 1/2022 are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's South East Queensland West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. TLPI No. 1/2022 can also be viewed online at planning.statedevelopment.qld.gov.au and searching 'Temporary Local Planning Instruments'.

For more information, please either visit the council's Customer Service Centre or telephone Planning and Development Services, State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP

Deputy Premier

Minister for State Development,

Infrastructure, Local Government and Planning

Minister Assisting the Premier on Olympics Infrastructure

Notice to be published in the Queensland Government Gazette:

Planning Act 2016

**NOTICE OF REPEAL OF TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2020 -
WASTE ACTIVITY REGULATION (TLPI 01/2020)**

IPSWICH CITY COUNCIL LOCAL GOVERNMENT AREA

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, notify that I have repealed TLPI 01/2020 in accordance with section 27(3) of the *Planning Act 2016* and the Minister's Guidelines and Rules September 2020.

Purpose and General Effect

TLPI 01/2020 is a temporary local planning instrument under section 23 of the *Planning Act 2016* that took effect on 1 April 2020. Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument, but does not amend or repeal the instrument.

Under section 27(1) of the *Planning Act 2016*, I have determined it is necessary to repeal TLPI 01/2020 and to replace it with a new temporary local planning instrument I will make under section 27(3) of the *Planning Act 2016*.

Location of Area to which TLPI No. 1 of 2020 Applies

TLPI No. 1 of 2020 applies only to part of the Ipswich City Council local government area, namely the land identified as within the Swanbank/New Churn Regulation Area, identified as Attachment A to the TLPI.

Further Information

Copies of my notice of repeal are available from Planning and Development Services, within the Department of State Development, Infrastructure, Local Government and Planning's South East Queensland West regional office at Level 4, 117 Brisbane Street, Ipswich QLD 4305. The notice can also be viewed online at planning.statedevelopment.qld.gov.au and searching 'Temporary Local Planning Instruments'.

For more information please either visit the council's Customer Service Centre or telephone Planning and Development Services, State Development, Infrastructure, Local Government and Planning on (07) 3432 2413.

STEVEN MILES MP

Deputy Premier

Minister for State Development,

Infrastructure, Local Government and Planning

Minister Assisting the Premier on Olympics Infrastructure

Human Rights Impact Assessment

Introduction

The *Human Rights Act 2019* protects 23 human rights. The principal aim of the Human Rights Act is to ensure that respect for human rights is embedded in the culture of our public sector. The Human Rights Act requires public entities to:

- act and make decisions in a way that is compatible with human rights; and
- in making a decision, give proper consideration to any human rights relevant to the decision.

The Human Rights Act applies to public entities, which includes the Minister, the Coordinator-General, the Director-General, other decision makers and delegates, the department and public service employees. It also applies to an entity established under an Act, for example: the Economic Development Board, South Bank Corporation and Queensland Reconstruction Authority.

The purpose of this assessment is to demonstrate how human rights have been considered for the decision or action. This has involved considering:

- whether any human rights protected by the Human Rights Act are likely to be relevant to the decision/action
- whether there is potential for those identified human rights to be limited by the decision/action
- the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom
- the relationship between the limitation on human rights and its purpose, including whether the limitation helps to achieve the purpose
- if there is potential for human rights to be limited by the decision/action, whether a less restrictive way of achieving the purpose of the decision/action is reasonably available
- if there is no less restrictive way of achieving the purpose of the decision/action, whether on balance any limitation compatible with human rights on the basis that the limitation is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Decision or action

The proposed decision will involve:

- the Minister taking urgent action under section 27(1) of the *Planning Act 2016* (Planning Act) and making a temporary local planning instrument described as *Temporary Local Planning Instrument No. 1 of 2022 (Resource Recovery and Waste Activity Regulation)* (the proposed TLPI)

The purpose of TLPI No. 1/2022 is to regulate development applications for new or expanded waste activities on land within the TLPI boundary of the Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly areas in the Ipswich region to ensure the regionally significant economic areas are appropriately regulated to protect existing, approved or planned sensitive land uses from adverse impacts associated with waste activities, facilitate and manage the restoration of areas affected by past mining operations, and the immediate and long-term protection and improvement of the natural environment.

1. Identify relevant human rights (refer Appendix 1)

The human rights under the Human Rights Act most likely to be relevant to the decisions, include:

- section 15 – recognition and equality before the law
- section 21 – freedom of expression
- section 23 – taking part in public life, and
- section 24 – property rights (the right to own property and not be arbitrarily deprived of it).

2. Consider whether human rights will be limited by the decision or action

The department considers that the proposed decision to make the TLPI **will not** potentially limit (or interfere with) the identified human rights in sections 15 and 23 of the Human Rights Act, as outlined below:

a) section 15 – recognition and equality before the law

- Section 15 of the Human Rights Act relevantly provides that every person:
 - has the right to recognition as a person before the law and the right to enjoy their human rights without discrimination
 - is equal before the law and is entitled to equal protection of the law without discrimination. Every person is entitled to equal and effective protection against discrimination
- In summary, section 15 is concerned with policy, legislation or other actions that may be discriminatory.
- The proposed TLPI will affect the level of assessment for applicable types of development.
- The process to make, or material effect of, the proposed TLPI is not considered to be discriminatory as the proposed TLPI will not apply differently to different people who may be subject to the TLPI, rather it seeks to extend existing assessment provisions under the Ipswich Planning Scheme to all properties that are applicable under the TLPI. Therefore, this right is not being limited by the decision

b) section 23 – taking part in public life

- Section 23 protects the rights and opportunities of every person in Queensland to take part in public life without discrimination. This includes the right to communication of information and ideas about public and political issues.
- To the extent this right relates to the public's ability to communicate information and ideas about public issues, this right has been identified as relevant. However it is noted that the TLPI does not have an effect on an individual's right to take part in public life, or the right to vote or the right to be elected to public office.
- Although the proposed TLPI may affect assessment processes for certain development types, it is considered that the proposed TLPI does not limit the human right under section 23 because it has no impact on an individual's right to participate in public life in terms of electoral processes such as the right to vote or the right to be elected to public office.

The department considers that the decision **will** potentially limit (or interfere with) the identified human rights in section 21 and 24 of the Human Rights Act, as outlined below:

c) section 21 – freedom of expression

- Section 21 protects the right of individuals to hold and express opinions without interference and the freedom to seek, receive and impart information and ideas of all kinds. These rights can be impacted by decisions made in relation to the provision of information or restrictions on access to information.
- Under the Planning Act, there is no requirement for public consultation on TLPIs made by the Minister before they take effect. This is because a TLPIs made by the Minister under section 27 of the Planning Act are only made when the Minister considers that the TLPI must be made urgently. Accordingly, the public will not have an opportunity to have a say on the proposed measures. However, given the proposed TLPI is based primarily on existing TLPIs (of which the public is aware), it is considered that there is already a general knowledge and understanding of the proposed TLPI's policy intent and general effect.
- Given the proposed TLPI makes more development types assessable development (including impact assessment), it adds a greater level of ability for members of the public to object to a development application. For impact assessable development applications, it affords submitters the rights to appeal a development application in the Planning and Environment Court. In addition, it is also noted that any member of the public may start a proceeding (including a declaratory proceeding) in the Planning and Environment Court about a matter done (for example, a Development Permit issued by the Ipswich City Council). In this respect it can be said that the right to freedom of expression is enhanced by the proposed decisions.

d) section 24 – property rights (the right to own property and not be arbitrarily deprived of it)

- Section 24 protects the rights of individuals to own property and to not be arbitrarily deprived of property. This right is potentially engaged by decisions that restrict the use of private property, including under planning laws.
- The proposed TLPI may potentially limit a person's right to develop their property, where subject to the TLPI. This is because the TLPI introduces additional provisions relating to resource recovery and waste activities.

3. Determine whether the limit is reasonable and justifiable

The department's assessment has found that the decision **will** potentially limit (or interfere with) the identified human rights in section 21 (freedom of expression) and 24 (property rights) of the Human Rights Act.

The department considers that the potential limitation on these rights is reasonable and justifiable, for the purposes of section 13 of the Human Rights Act based on the following:

The purpose of the limitation and whether it will achieve its purpose

As noted above, the purpose of making the TLPI is to protect sensitive receiving uses from adverse impacts including odour, dust, noise, air quality and amenity resulting from resource recovery and waste activity uses.

Less restrictive, reasonably available alternatives

The department has considered whether there are other ways of achieving the purpose above just as effectively, but in a way that limits human rights to a lesser degree. The department has also considered whether the measure strikes a fair balance between the benefits gained to the public by the making of the TLPI, against the potential limits to the human rights identified above.

Section 21 – freedom of expression

a) The provisions are only temporary

- First and foremost, the proposed TLPI is only a temporary measure that applies for up to two years and therefore limits on human rights only apply for a limited time.
- A TLPI is an appropriate instrument made under the Planning Act that can address planning issues urgently whilst appropriate review, drafting and consultation can occur on longer-term amendments to the planning scheme.

b) Community consultation will occur in the future

- The department considers the council should seek to integrate the policy intent of the TLPI either through an amendment to the planning scheme or through incorporation into a new planning scheme. Under this process, the community would have an opportunity to provide comment on the provisions.
- Should this process be followed, the human rights of section 21 (freedom of expression) will be advanced.

c) Urgent action is required to respond to a state interest

- The current planning scheme provisions are deficient in relation to resource recovery and waste management.
- Immediate action is required to provide protect amenity values in the Ipswich local government area.

d) The TLPI is a precautionary measure

- The proposed TLPI is a precautionary measure to prevent further adverse impacts from waste activities in the Ipswich local government area.

Given the benefits to be achieved by the proposed TLPI and the urgency explained above, the department has assessed that there is no other less restrictive way of achieving the outcome. The proposed TLPI is considered appropriate despite the potential limitation on the human right of freedom of expression. Further, the public will have an opportunity to comment on relevant matters as part of a planning scheme amendment or new planning scheme process should this occur.

Accordingly, it is considered that the potential limitation on the right to freedom of expression by the making of the TLPI is compatible with human rights because it limits a human right only to the extent that is reasonable and justifiable in accordance with section 13 of the Human Rights Act.

Section 24 – property rights

The proposed TLPI may potentially limit a person's right to develop their property to the current extent allowable based on provisions within the planning scheme. However, the protection of amenity for sensitive receiving uses is considered to result in development outcomes which protect, or give effect to, state interests.

The proposed TLPI has been drafted to ensure a balance that allows for resource recovery and waste activities to occur in appropriate areas setback from sensitive receiving uses.

Having regard to the above considerations, the proposed TLPI is considered necessary to achieve the purpose of protecting sensitive receiving uses from the adverse impacts of waste activities. The TLPI is therefore considered appropriate despite the potential limitation on the property rights of land owner's within the Ipswich local government area.

It is considered there is no other less restrictive way to achieve the outcome. As noted above, it is also significant that the TLPI is only a temporary measure that applies for up to two years and therefore limits human rights only apply for a specified time.

In conclusion it is considered that the limitation on property rights is compatible with human rights because it limits a human right only to the extent that is reasonable and justifiable in accordance with section 13 of the Human Rights Act.

Conclusion

The decision is compatible with human rights under the Human Rights Act because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the Human Rights Act.

RTI RELEASE - DSD/11/01/01

Appendix 1 - List of rights

The Human Rights Act sets out 23 mainly civil and political rights that are largely derived from the International Covenant on Civil and Political Rights:

- Right to recognition as a person and equality before the law (s15)
- Right to life and right not to be arbitrarily deprived of life (s16)
- Protection from torture and cruel, inhuman or degrading treatment (s17)
- Freedom from forced work – a person must not be held in slavery or servitude or made to perform forced or compulsory labour (s18)
- Freedom of movement – a right to move freely within Queensland and leave and enter it and freedom to choose where to live (s19)
- Freedom of thought, conscience, religion and belief (s20)
- Freedom of expression which includes the right to hold an opinion and the freedom to seek, receive and impart information and ideas of all kinds (s21)
- Right to peaceful assembly and freedom of association with others including the right to form and join trade unions (s22)
- Right to participate in the conduct of public affairs including a right to vote (s23)
- Right to own property and not be arbitrarily deprived of property (s24)
- Right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with and right not to have reputation unlawfully attacked (s25)
- Protection of families and children (s26)
- Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practise their religion and use their language (s27)
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (s28)
- Right to liberty and security of person including a right not to be subjected to arbitrary arrest or detention (s29)
- Right to humane treatment when deprived of liberty (s30)
- Right to a fair hearing if charged with a criminal offence or a party to a civil proceeding (s31)
- Rights in criminal proceedings including a right to be presumed innocent until proved guilty according to law (s32)
- Rights of children in the criminal process including a right to be segregated from all detained adults (s33)
- Right not to be tried or punished more than once for an offence for which the person has already been convicted or acquitted (s34)
- Protection against retrospective criminal laws including a right not to be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in (s35)
- Right to education (s36)
- Right to health services (s37).

Detailed information on the scope of each right, and examples of when the right may be relevant in practice are available from the Queensland Human Rights Commission: www.qhrc.qld.gov.au/your-rights/human-rights-law.



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MBNXXXX

Ms Sonia Cooper
Chief Executive Officer
Ipswich City Council
PO Box 191
IPSWICH QLD 4308

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone + 61 3719 7100
Email deputy.premier@ministerial.qld.gov.au
Website www.statedevelopment.qld.gov.au
ABN 65 959 415 158

Dear Ms Cooper

On [insert date here], I provided Ipswich City Council with notice of my intention to make *Temporary Local Planning Instrument No. 1 of 2022 – Resource Recovery and Waste Activity Regulation* (the TLPI).

I wish to advise that I have exercised my powers under section 27 of the *Planning Act 2016* and have now made the TLPI. A copy of the TLPI is enclosed. The TLPI will take effect on the day public notice is given in the Queensland Government Gazette. The Department of State Development, Infrastructure, Local Government and Planning (the department) will provide you with a copy of this public notice.

The TLPI will suspend or otherwise affect the operation of the *Ipswich Planning Scheme 2006* (the planning scheme). The TLPI will be in effect for two years. During this time, I expect the council to incorporate the TLPI into a new planning scheme. Departmental officers will continue to be available to support the council as part of this process.

If you have any questions about my advice to you, please contact my Chief of Staff, Ms Danielle Cohen by email at deputy.premier@ministerial.qld.gov.au or by telephone on (07) 3719 7100.

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Enc (2)

cc:

Pages 929 through 930 redacted for the following reasons:

Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 1:35 PM
To: [Redacted]
Subject: SEQ Waste management plan
Attachments: Comseq SEQWMP and TLPI assessment.docx; SEQ Waste Management Plan.pdf

Hi [Redacted]

Can you please review my assessment of the SEQ Waste Management Plan before I send to Dom for review? Mainly from a TLPI assessment perspective.

I haven't completed the assessment of the EfW component – as we are still evolving our assessment benchmarks/definitions for this.

Cheers,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Microsoft teams – [meet now](#)

Sch. 4(4)(6) - Disclosing personal information

Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.



RTI REQUEST

Council of Mayor South East Queensland (CoMSEQ) Waste Report

- CoMSEQ has recently released the *SEQ Waste Management Plan, 2021* (the plan) which establishes a pathway for South East Queensland councils to address the challenges and opportunities with waste management in the South East Queensland Region.
- The plan sets out the following actions for councils to respond to:
 - Optimise co-mingled recycling
 - Removing organic waste from landfill
 - Optimising the treatment of residual municipal solid waste
 - Improving environmental outcomes
 - Growing jobs
 - Improving cost efficiencies
- A key theme of the Plan is to progressively reduce the amount of waste going into landfill while supporting growth in recycling and related activities that collectively contribute to a 'circular economy'. The plan however acknowledges that the recommendations in the plan will take many years to implement requiring lengthy transitions and being guided by a waste management and reduction 'hierarchy'.
- South East Queensland councils are now expected to develop a 10 year road map for each of the actions while exploring and capitalising on early opportunities.
- CoMSEQ will continue to engage with both the state and federal governments to align funding support to deliver implement this plan.
- The department has assessed the proposed TLPI against the relevant recommendations of the SEQ Waste Management Plan – Final report 2021 in the table below. As the proposed TLPI is temporary and to be in effect for two years, this assessment has focused on the 'immediate term' recommendations.

SEQ Waste Management Plan			Proposed TLPI	
Waste stream	Estimated landfill diversion rate impact (2030)	Relevant recommendation for SEQ council's	Proposed TLPI assessment	Proposed TLPI consistent
Comingled recycling <i>Improving the collection rate of comingled recycling from the general waste stream to remove a proportion of recyclable materials currently disposed to landfill.</i>	6% improvement versus 2018-19 baseline	6. Plan for installation of 1-2 new Materials Recycling Facilities (MRF) facilities	<p>Recommendations for comingled recycling in the plan for comingled recycling relate to behavioural change and market insensitive. However, the relevant provision in the plan relates to ensuring that council's should plan toward introducing MRF facilities.</p> <p>The proposed TLPI provides for a new definition of Resource Recovery Facility, and makes these code assessable. It seeks to encourage such activities, and places particular emphasis on co-location with landfills</p>	Yes
Organics <i>Removing organic waste from landfill and recovering it</i>	11% improvement versus 2018-19 baseline	9. Collaborate to support stable and efficient markets for compos Caveat If the market nominates in-vessel composting technology as the lowest cost solution, Councils should collaborate with 1-2 neighbours for facilities >20ktpa in scale; this implies ~8-13 facilities for SEQ by 2030	<p>The TLPI adopts provisions similar to the existing TLPI's for compost manufacturing (enclosed and unenclosed), and maintains provisions relevant to the management of compost manufacturing facilities throughout the TLPI boundary.</p> <p>It is noted that Ipswich City Council sought to take a precautionary approach to in-vessel composting through the drafting of 'compost manufacturing enclosed' and 'compost manufacturing unenclosed'. Through early engagement with both DES, ICC and DSDILGP it was viewed as an appropriate local response for compost manufacturing in Ipswich, and</p>	Yes

Commented [UM1]: This has been undertaken based on the recommendations for each waste stream.

PSP – please advise if this makes sense or if overall summary or recommendations in Part 7 of plan should be used.

SEQ Waste Management Plan			Proposed TLPI	
Waste stream	Estimated landfill diversion rate impact (2030)	Relevant council's recommendation for SEQ	Proposed TLPI assessment	Proposed TLPI consistency
			<p>can work in partnership with the XXX compost plan xx released by DES in July 2021.</p> <p>The department assessment of the TLPI concludes that the provisions are consistent with the SEQ Waste Management Plan, on the basis that</p> <ul style="list-style-type: none"> Community sentiment on odour warrants the adoption of a precautionary approach to compost manufacturing as part of the TLPI. One existing composting operator seeking to contemporise their operations by including in-vessel composting. Ipswich City Council are seeking a precautionary approach in order to ascertain success of in-vessel composting before adopting specific benchmarks. Provisions do not limit the application of an in-vessel composting system being lodged and assessed on their merits. New planning scheme provisions to be prepared which will offer a longer term solution for compost manufacturing. 	
Residual <i>'General waste' refers to materials which are placed in the general</i>	Nil	<ol style="list-style-type: none"> In the immediate term, optimise waste flows by pulling all levers further up the waste hierarchy, to create a stream that is true residual Periodically review alternative waste treatment (AWT) technology 	<p>Landfill</p> <p>The proposed TLPI seeks to implement a higher assessment benchmark for proposed landfills at Swanbank/New Chum and seeks to maintain</p>	Yes

Commented [UM1]: This has been undertaken based on the recommendations for each waste stream.
PSP – please advise if this makes sense or if overall summary or recommendations in Part 7 of plan should be used.

SEQ Waste Management Plan			Proposed TLPI	
Waste stream	Estimated landfill diversion rate impact (2030)	Relevant council's recommendation for SEQ	Proposed TLPI assessment	Proposed TLPI consistency
waste kerbside bin. A proportion of this waste is termed 'residual'; this is the portion of waste for which recovery through the comingled recycling stream or organics stream is not possible.		developments, and emerging solutions preferable for residual Municipal Waste Streams (MSW) 3. Work with DSD on land use planning and State Development Areas for residual (Thermal EfW or other AWT technology facilities)	provisions in existing TLPI's for the management of waste in Willowbank/Ebenezer/Jebropilly. The proposed TLPI therefore aligns with the recommendations of the SEQ Waste Management Plan and advances the targets set out under the Queensland Government <i>Waste Management and Resource Recovery Strategy</i> targets. Energy from Waste The plan sets out that opportunities for optimising the treatment of residual Municipal Solid Waste (MSW) should occur. However, the department views the emerging technology o INSERT ASSESSMETN OF EfW and thermal energy	

Commented [UM1]: This has been undertaken based on the recommendations for each waste stream.
PSP – please advise if this makes sense or if overall summary or recommendations in Part 7 of plan should be used.
Commented [UM2]: Check back, depending on where changes land with ICC comments.

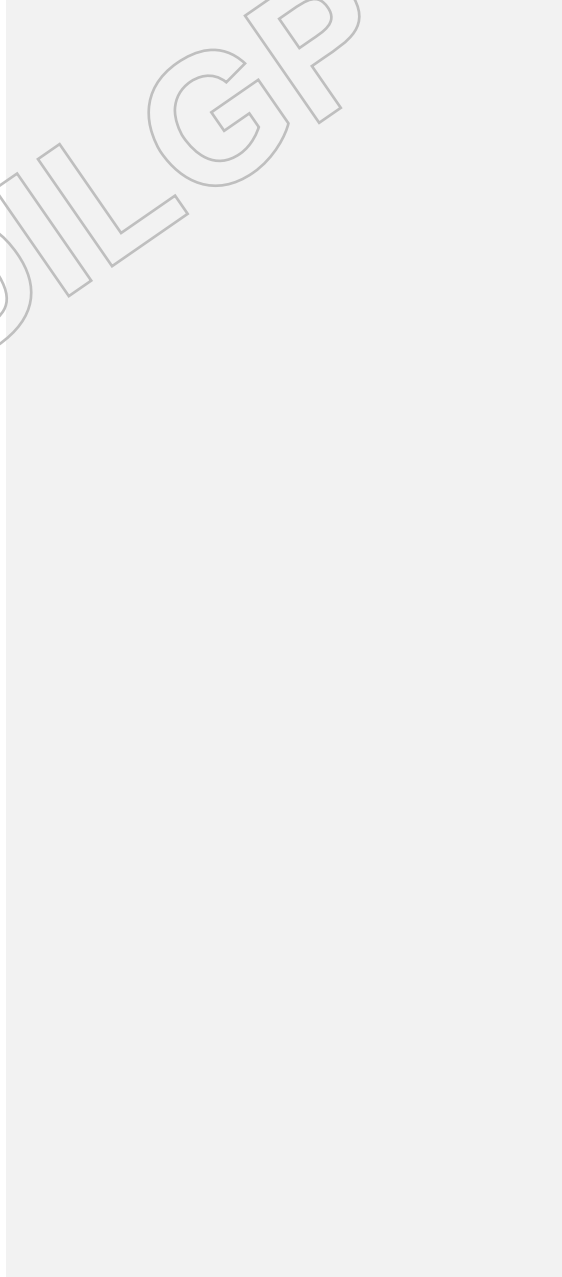
Waste Management and Resource Recovery Strategy

the Waste Management and Resource Recovery Strategy, outlining ambitious targets for landfill diversion and adherence to the globally recognised waste hierarchy. SEQ Waste Management Plan outlines recommendations to achieve targets by 2030 (and beyond)

The aspirations defined in the Queensland Government Waste Management and Resource Recovery Strategy demonstrate an expectation that a significant share of residual waste will be processed and converted to energy rather than sent to landfill (10% of total waste by 2030, 25% by 2050)

Commented [UM3]: PSP team – do you have dot points that can be used to inform this section? Should the TLPI planning assessment report **Assess the waste management and resource strategy?**

RTI RELEASE - DSDILGP



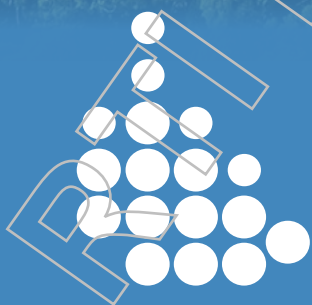


SEQ Waste Management Plan

FINAL REPORT 2021



Council of Mayors
South East Queensland



Council of Mayors

South East Queensland

The Council of Mayors (SEQ) is Australia's largest regional local government advocacy organisation, representing one in seven Australians who call South East Queensland home. Council of Mayors (SEQ) aims to consistently deliver better regional funding, policy and collaborative outcomes for the communities of South East Queensland.

The SEQ Waste Management Plan was finalised on 2 June 2021. The plan has been prepared with and endorsed by Council of Mayor's (SEQ) member Councils: Brisbane City, Ipswich City, Lockyer Valley, Logan City, Moreton Bay, Redland City, Scenic Rim, Somerset, Sunshine Coast and Toowoomba. It also considers the City of Gold Coast, who were members of Council of Mayors (SEQ) during preparation of the plan.

Page Number 938

CONTENTS

4

1. EXECUTIVE SUMMARY

6

2. INTRODUCTION

- a. Context6
- b. Objectives and scope7
- c. The process followed.....8
- d. Data sources.....9

10

3. OVERVIEW OF THE CURRENT SEQ WASTE MANAGEMENT ENVIRONMENT

- a. Current waste flows and trajectory10
- b. Current and projected infrastructure capacity12
- c. Current waste system costs and the costs of alternative waste system elements14
- d. Operation of the landfill levy and rebate16
- e. Citizen satisfaction and expectations.....17
- f. Pilots and planning already in progress.....17

18

4. COMINGLED RECYCLING

- a. Overview of comingled recycling waste stream dynamics18
- b. Implications23
- c. Options considered.....24
- d. Data sources Recommendations.....29
- e. 2030 Projected outcomes from comingled recycling recommendations.....29

30

5. ORGANICS

- a. Overview of organic waste stream dynamics31
- b. Implications38
- c. Options considered.....38
- d. Recommendations.....43
- e. 2030 Projected outcomes from organics recommendations.....44

45

6. RESIDUAL

- a. Overview of residual waste stream dynamics46
- b. Implications47
- c. Options considered.....48
- d. Recommendations.....59
- e. 2030 Projected outcomes from residual recommendations60

61

7. OVERVIEW OF RECOMMENDATIONS AND OUTCOMES

- a. Recommendations.....61
- b. Outcomes.....64

66

8. COSTS OF THE TRANSITION

- a. Overview of the funding challenge66
- b. Considerations in funding the transition69
- c. Priority considerations for CoMSEQ Councils70

71

9. IMPLEMENTATION APPROACH & ROADMAP

- a. Levels of collaboration needed for successful delivery71
- b. Moving towards delivery72
- c. Regional workplan to support implementation.....73

74

10. APPENDICES

- a. Appendix 1: Major assumptions and modelling approach to total system organics cost.....74

1. Executive Summary

This document sets out a directional path forward for action and collaboration across the Councils of South East Queensland as they address the challenges and opportunities associated with municipal solid waste management across the region, in the context of a rapidly shifting set of sector dynamics.

In recent years, five significant shifts have substantially reshaped the waste management landscape for CoMSEQ Councils: i) export markets have imposed significant limitations on accepting low grade or contaminated recyclable materials; ii) the Queensland government introduced its Waste Management and Resource Recovery Strategy, outlining ambitious targets for landfill diversion and adherence to the globally recognised waste hierarchy; iii) landfill levies were reintroduced in Queensland, with a glide path to \$95/t; iv) a container refund scheme was launched for certain glass and plastic containers; and, v) the Commonwealth passed legislation banning specific waste exports.

In addition to these shifts, the choices facing Councils in relation to waste management are inherently complex, due to the high cost and long-term nature of infrastructure investments and service contracts; the plethora and continual evolution of waste processing technologies and collections options, and the broad range of preferences and expectations of citizens.

To respond to these challenges the eleven CoMSEQ Councils have worked together to develop this SEQ Waste Management Plan (the Plan), which articulates a 'target state' for 2030, with an outlook to 2050. In moving towards the 2030 target state it is anticipated that Councils will benefit from collaborating closely on some priorities, and progressing independently on others. The Plan recognises that individual Councils will choose to progress actions in the context of their individual circumstances and priorities, and seeks to identify the 'sweet-spot' between joint action to capture the benefits of scale, and independent action to reflect the unique requirements and expectations of different communities. Where these independent actions or unique requirements are already known, they are identified in this Plan as specific carve-outs for the relevant Councils from the overall target end-state, with the goal of enabling both maximum alignment, and maximum flexibility.

The scope of this Plan focuses primarily on the waste flows managed through kerbside collections, as these waste streams represent some of the most complex decisions facing Councils, as well the most significant opportunities for capturing the benefits of collaboration. Specifically, the Plan focuses on three areas of actions towards the 2030 'target state':

- **Optimising comingled recycling:** Improving the collection rate of comingled recycling from the general waste stream to remove a proportion of the ~208ktpa of recyclable materials currently disposed to landfill; reducing contamination in the comingled waste stream to increase the value of the recyclable materials, supporting the development of an additional 185 – 330 ktpa of MRF capacity in a way that stimulates competition, resilience and operating efficiencies; and pulling every lever available to support the development of secondary markets for recycled products, both to stimulate economic development and growth, and increase the market value of waste management processes.
- **Removing organic waste from landfill and recovering it:** Introducing organics recovery (mulching, composting) to remove a proportion of the ~440ktpa of organics from the general waste stream; working with the State and with industry to support households to make the behaviour changes required; and supporting secondary markets to absorb the new product generated.
- **Optimising the treatment of residual MSW:** Acting decisively on areas (i) and (ii) to ensure the general waste streams is as close to true 'residual' as reasonably practicable, while exploring the best options for residual management across environmentally optimised landfill, Thermal EfW, and emerging alternative waste treatment technologies.

If Councils are able to move on the actions defined in the Plan, the benefits will be significant, across the three areas of environmental outcomes, job creation, and cost efficiency:

- **Environmental outcomes:** In aggregate, up to 813 ktpa of waste could be diverted from landfill by 2030, achieving increasing the MSW landfill diversion rate from 28% to 45%. This represents significant progress towards the State's targets, although does not fully meet them. Meeting the targets in full would require immediate commencement of work towards Thermal EfW processing capacity, and rapid action upstream to drive down non-recyclable waste generation per capita (e.g. through movement in packaging regulation).
- **Job creation:** In addition to the landfill diversion benefits achieved, action outlined in the Plan would deliver direct net new job creation of up to 310 permanent jobs, as well as up to ~2,900 – 3,800 temporary construction jobs per year of construction (MRFs: 100-160, organics processing 300-400, Thermal EfW 2,500 - 3,200), and a multiple of indirect jobs.
- **Cost efficiency:** Efficiency savings of up to \$17 – \$25m per annum could be achieved, mostly driven by improvements in the comingled recycling scheme (e.g. reduced contamination and increase capture of recyclable materials).

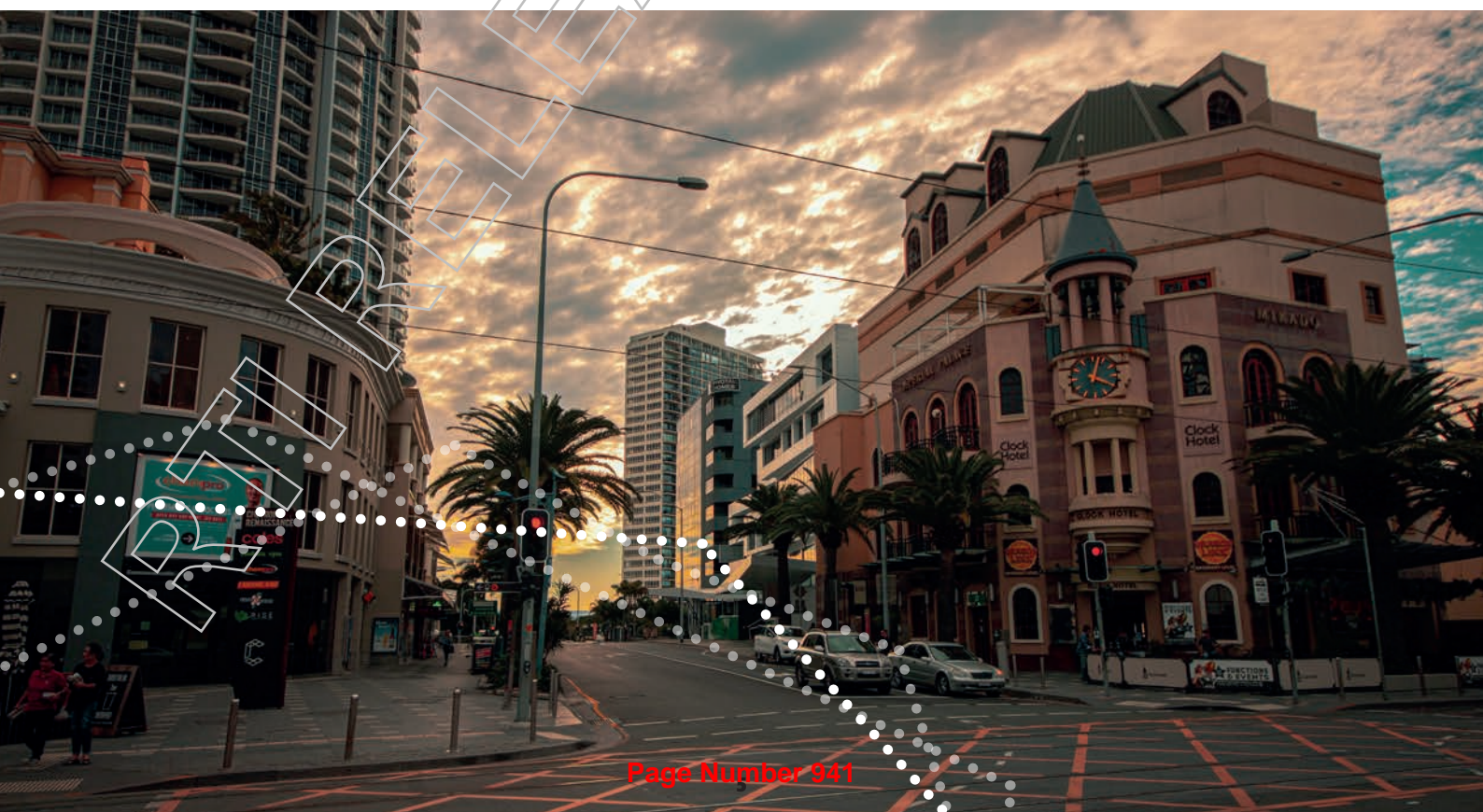
Offset against these benefits would be a set of one-off costs for managing the transition, estimated at \$210 – 280m by 2030, ~\$2.7-3.6bn by 2050 (including \$2.4-\$3.1b for EfW facilities), and an ongoing increase in waste management operating costs of between \$33- \$83m per annum by 2030, largely driven by the increased collection costs associated with the broad-based introduction of a kerbside organics collection service.

As Councils seek to sustainably manage the increased costs of providing improved waste management services over time, a number of levers will be considered:

- Working collaboratively with the State to explore opportunities for revenues from the Waste Levy to be applied to support Councils in making an effective transition;
- Exploring opportunities for vertical integration/opportunities and potential ownership of new processing capacity, to achieve the best possible cost outcomes for rate payers
- If required, passing on unavoidable additional costs to rate payers, with a clear and consistent narrative on the benefits associated.

In moving forward immediate next steps are for each Council to develop a ten year roadmap for implementation over the course of 2021, while moving forward with 'early wins' this calendar year.

Alongside this work, CoMSEQ members will form negotiating positions and engage with both State and Commonwealth Governments to align funding support for implementation of the Plan.



2. Introduction

This report represents a significant effort of collaboration across the Councils of South East Queensland as they tackle one of their collective top 3 priorities – proactively and strategically shaping the future of waste management in South East Queensland to deliver the best outcomes for citizens.

This chapter provides a summary of the context underpinning the collaborative effort; the specific objectives and scope of work; the process undertaken to develop the report, and the data sources relied upon.

A) CONTEXT

The last decade has seen five significant changes in how waste is managed, recycled and treated in Queensland.

- **International markets have mandated lower levels of contamination** on imported paper and packaging material. China was an early mover, with the China Sword policy banning imports of contaminated recyclable material from 1 January 2018. This was followed by import bans across the region, including: Malaysia's ban on import of non-recyclable plastic waste in July 2018, Thailand's 2018 changes to plastics import allowances, India's ban on scrap plastics imports in August 2019, and Indonesia's May 2020 limits on contamination of bales of recyclable materials imported.
- **Queensland's Waste Management and Resource Recovery Strategy** was published in 2018. The strategy sets the ambition for Queensland to become a zero-waste society, where waste is avoided, reused and recycled to the greatest possible extent. It focuses on transitioning to the principles of a circular economy to help retain the value of material in the economy for as long as possible. It provides the framework to help deliver coordinated, long-term and sustained growth for the recycling and resource recovery sector while reducing the amount of waste produced and ultimately disposed of, by promoting more sustainable waste management practices for business, industry and households. Queensland's targets are to reduce household waste by 25%, while improving recovery to 90%, and recycling to 75%, by 2050. The targets represent a significant shift from Queensland's current state and trajectory of resource recovery.
- **The Container Refund Scheme (CRS) was rolled out** in Queensland in 2018, along with a Statewide ban on plastic shopping bags, as part of the State's Waste Management and Resource Recovery Strategy. The CRS has materially reshaped the volume and composition of the comingled recycling stream, to the benefit of some Councils, and potential disbenefit of others. Illustrative of the scale of the scheme, by November 2019 more than \$100 million had been paid out with more than one billion containers directly returned.
- **Domestic landfill waste levies were re-introduced** in Queensland from 1 July 2019. Queensland's levy zone includes 39 out of 77 local government areas, covering around 90% of Queensland's population where the majority of waste is generated and disposed. Waste disposed of in the levy zone, or waste that originates in the levy zone or interstate and is disposed of in the non-levy zone, is liable for the levy. In the introductory period (until 30 June 2022), Government committed to ensure that the waste levy has no direct impact on households. During this period the Queensland Government provides Councils that dispose of household waste in the levy zone with an annual advance payment (calculated as 105% of forecast levy costs). In the short to medium term the levy rebate is intended to be removed, and a proportion of the funds raised will be used to support development of the recycling and reprocessing industries that will support a more circular economy.
- In August 2020 the Australian Government confirmed commitment to this pathway, **introducing legislation that bans exports of waste** of various classes including waste plastics, paper, glass and tyres.

While the pace of progress may be uncertain, the direction of these policy reforms are clear – to reduce material sent to landfill and maximise the recycling and reuse of waste materials in Australia. Collectively, these important changes in the waste management landscape represent both a significant challenge for South East Queensland Councils, but also a significant set of opportunities. Some of these challenges and opportunities can be addressed within the boundaries of individual Councils, but many of them can be more effectively addressed by acting collaboratively and leveraging the full scale represented by the CoMSEQ Councils. This is the context in which CoMSEQ members have worked together to develop a regional, long-term and coordinated SEQ Waste Management Plan (the Plan).

B) OBJECTIVES AND SCOPE

The objective for this Plan is to identify the set of levers, and the most appropriate sequencing of those levers, that would best enable all 11 SEQ Councils to:

- Optimise the economics of waste management operations
- Encourage local economic development and job creation
- Meet or move towards State targets relating to household waste generation, recycling, and landfill diversion by 2050
- Maintain or achieve high levels of citizen satisfaction with waste management services.

The intention for the Plan is to take a long-term view of critical system dynamics out to 2050 (particularly waste stream quantity and infrastructure capacity), for the purposes of informing shorter- and medium-term decision making over the 2020-2030 timeframe. As with all long term infrastructure planning, decision making is underpinned by considerable uncertainty – in this case specifically around the regulatory context, the evolution of waste processing technologies, and the always-evolving expectations of citizens. In addressing this natural level of uncertainty, the objective of this Plan is to provide Councils with the ability to take a portfolio approach to their Waste Management planning – moving quickly and boldly on levers for which there is high confidence, moving more moderately on levers for which there are higher levels of uncertainty, and creating a capability to dynamically adjust the Plan over time as the context evolves.

The scope of the Plan is quite focused, narrowing in on kerbside waste collection, across three major waste streams (comingled recycling, organics, and residual waste). These were identified as streams that represented the highest volume of waste and for which there exists the greatest opportunities for collaboration across Council borders. It is acknowledged that there are many more granular waste streams across which collaboration could be beneficial (e-waste, mattresses etc.) and while these are not specifically addressed in the Plan it is anticipated that some of the ongoing collaboration structures that are implemented as part of this Plan will enable these streams to be the subject of future collaborative efforts.

Finally, the Plan seeks to strike the appropriate balance between defining a pathway that provides the best ‘system level’ outcome for South East Queensland, and reflecting the need for each Council to act in the best interest of their own rate payers. The Plan attempts to achieve this in three ways:

- By focusing on defining an optimal long-term end state (i.e. 2030 target state), but providing flexibility in the speed and transition path adopted by individual Councils
- By clearly defining where acting in unison is ‘critical’ versus ‘nice to have’
- By identifying options and alternatives to the primary recommendations, that are still consistent with the end-state goals, wherever possible.

C) THE PROCESS FOLLOWED

The Plan has been developed through intensive engagement with CoMSEQ Councils and extensive analysis of the current state and future options, informed by an assessment of current and emerging best practices locally and globally.

Three core beliefs framed the approach in developing the Plan:

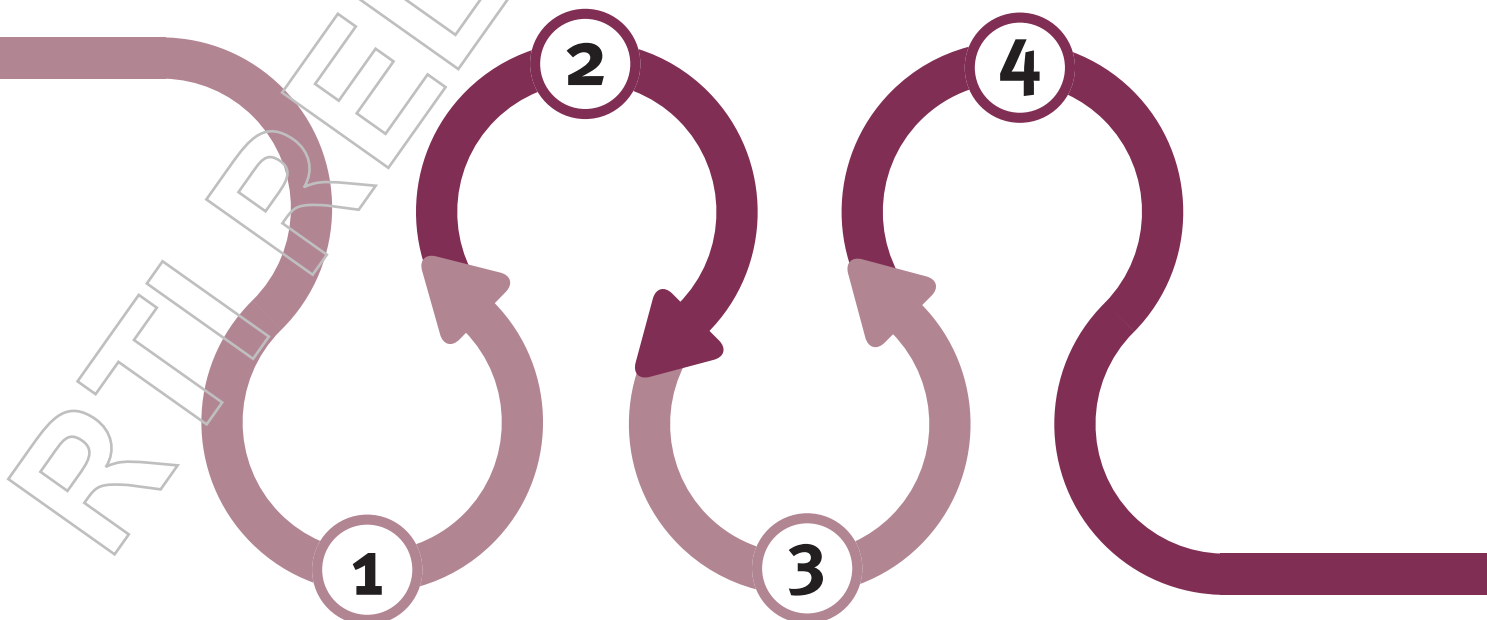
- An integrated, system-based solution will lead to better outcomes than could be achieved by each Council acting independently
- A first step to enable Councils to act in concert is to define and agree on long-term infrastructure and system intervention goals
- Alignment around such goals enables individual Councils to make decisions that align with the integrated Plan.

Engagement informing this draft of the Plan included:

- Four intensive workshops with the CoMSEQ Waste Working Group
- Two briefing sessions with the CoMSEQ Board
- One briefing session with the CoMSEQ Economic Working Group
- Four rounds of 1:1 engagement between each Council's chosen representatives and the working team
- Additional 1:1 working sessions with multiple Councils on request for deep dive into particular issues tabled (e.g. resolving conflicting data sources; exploring Council-specific waste concerns)
- Interviews with State agencies, including the Department of Environment and Science, and the Department of State Development Infrastructure Local Government and Planning.

After the Plan is agreed, ongoing coordination and collaboration between Councils will be required to:

- Scope and develop actions to support implementation (for example, additional analysis, modelling, specific business case development, market research, coordinating pilots and reflecting lessons learned etc.)
- Focus energy and attention where it most benefits Councils collectively
- Stay abreast of emerging technologies and shifts in the market landscape, and ensure the CoMSEQ approach is dynamically adjusted to reflect changing circumstances
- Ensure an implementation cadence and to track progress and celebrate achievements.



D) DATA SOURCES

In developing the Plan a range of data sources were used:

- Council responses to the Department of Environment and Science Annual Waste Data Survey (2015-2020)
- Council data provided for the Queensland Waste and Resource Recovery Infrastructure Report (2019)
- Council waste management strategy and reporting documents
- Council landfill airspace data
- Council waste site and facility statistics
- Australian Bureau of Statistics and Queensland government population and household forecasts
- Council information on waste management contracts and expiry dates
- A range of studies into various aspects of waste management in Queensland
- Interviews and discussions with Council Mayors, CEOs, Waste Managers and other technical specialists
- More than 15 global expert consultations, covering the fields of waste system modelling, waste contracting, circular economy, organics processing technology, energy-from-waste technology and economics, FOGO collection systems, recycling system operations and management of contaminants.
- Interviews with local industry operators and industry groups
- Targeted reviews of relevant academic and government published literature.

When data is presented as the aggregate SEQ view, averages will be different to the results achieved in any individual Council. Data limitations may include sample sizes for bin composition surveys, and some Councils will have different bin composition.

Limitations in waste management data are widely acknowledged and improving in this area is a priority.



3. Overview of the current SEQ waste management environment

The starting point for developing this Plan was to understand existing municipal waste management system dynamics in South East Queensland. In this chapter we provide an overview of six key features of the current waste management system:

- a) Current waste flows and trajectory
- b) Current and projected infrastructure capacity
- c) Current waste system costs and the costs of alternative waste system elements
- d) Operation of the landfill levy and rebate
- e) Citizen satisfaction and expectations
- f) Pilots and planning already in progress

A) CURRENT WASTE FLOWS AND TRAJECTORY

This section describes South East Queensland's current waste flows, and the current trajectory towards State targets based on historical performance.

South East Queensland generated ~1,804kt of municipal solid waste in 2018-19. Approximately 1,181kt of this waste was collected by Councils in kerbside collections with ~887kt collected in general waste bins, ~238kt of material collected in comingled bins, and ~56kt of materials collected in organic waste bins¹.

Extrapolating from available bin audits to understand the magnitude of opportunity in the kerbside system, it's estimated that ~208kt of comingled recyclables and ~443kt of organics were disposed of in kerbside general waste, with ~35kt of non-recyclable waste disposed of in comingled kerbside.

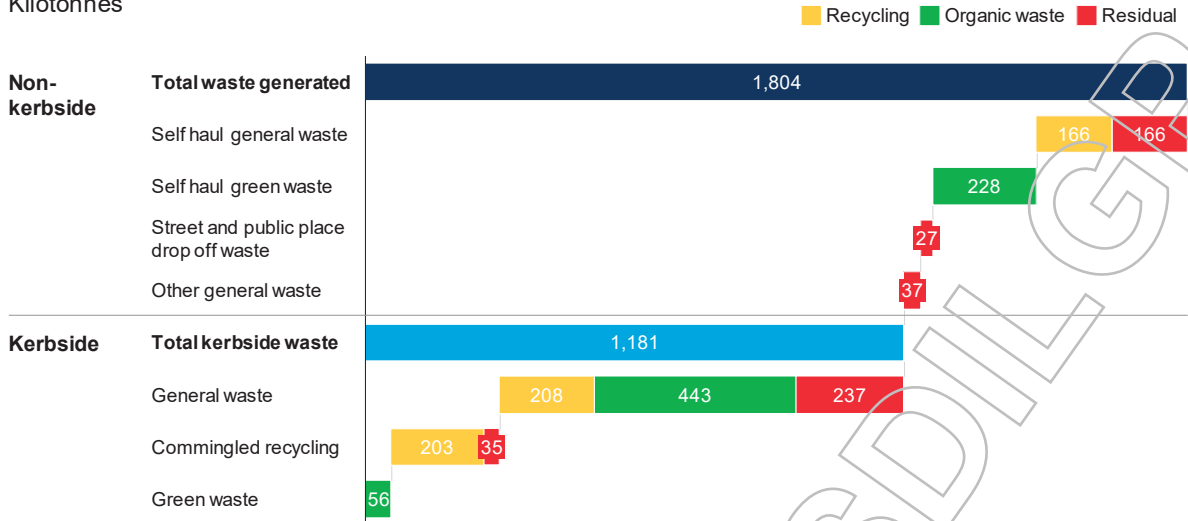
Exhibit 1 shows the mix of municipal solid waste generated in South East Queensland in 2018-2019 and by which means it is collected.



¹ DES local government waste survey, 18-19, 13 sets of SEQ compositional waste audits (→25k bins). The data used is subject to limitations including: sub-optimal equipment (no weighbridges) in some locations, self reporting by Councils, and variable methods and definitions in measuring waste

Municipal waste generated in SEQ by type 2018-19

Kilotonnes



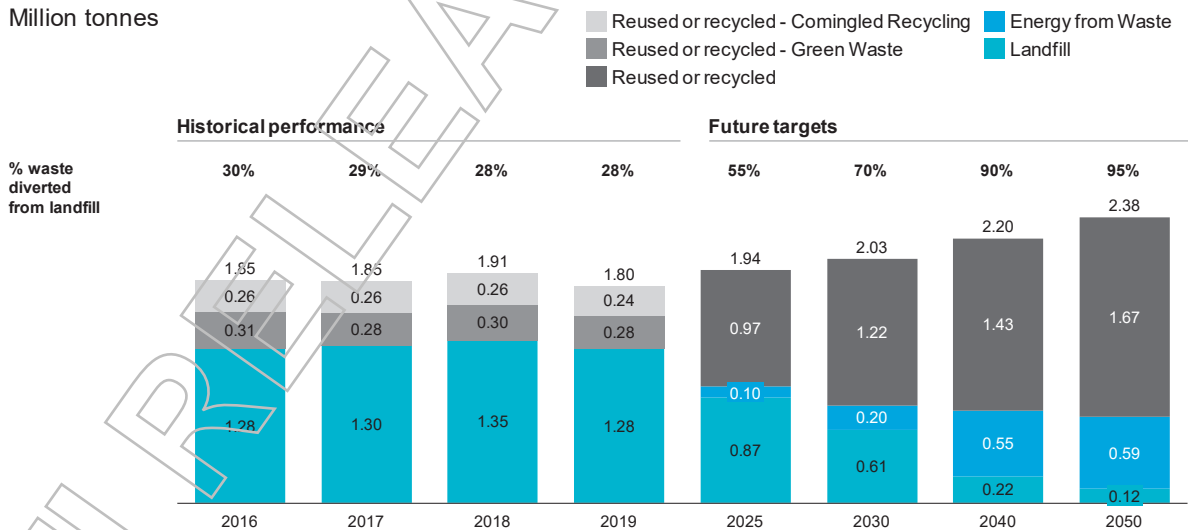
As part of the Queensland Government’s Waste Management and Resource Recovery Strategy, the Government has established specific targets for landfill diversion that would require a significant shift in the material flows described above.

Exhibit 2 shows SEQ’s current performance and the trajectory required to meet future targets out to 2050.

Exhibit 2³

Current SEQ MSW generation and diversion and trajectory needed to meet State resource recovery targets

Million tonnes



The current trajectory indicates that the State’s targets are ambitious and meeting them would require rapid changes in South East Queensland’s waste management system.

2 DES Local Government Waste Survey 18-19, 13 sets of SEQ compositional waste audits (→25k bins). The data used in this chart is subject to several data limitations including survey methodology (self-reported by councils), sub-optimal equipment (no weighbridges) in some locations, and variable methods and definitions in measuring waste. Composition of self-haul waste (recycling and residual materials) is not clear in DES data, shown here notionally as 50/50 split.

3 DES Local Government Survey, Queensland’s Waste Management and Resource Recovery Strategy, Arup target modelling using ABS medium population growth scenario. Excludes flows from MRFs to landfill from contamination in yellow bin. Includes municipal self-haul and collections from public places.

B) CURRENT AND PROJECTED INFRASTRUCTURE CAPACITY

The current and projected capacity of both landfill and material recovery facilities are discussed in turn.

LANDFILL IN SOUTH EAST QUEENSLAND

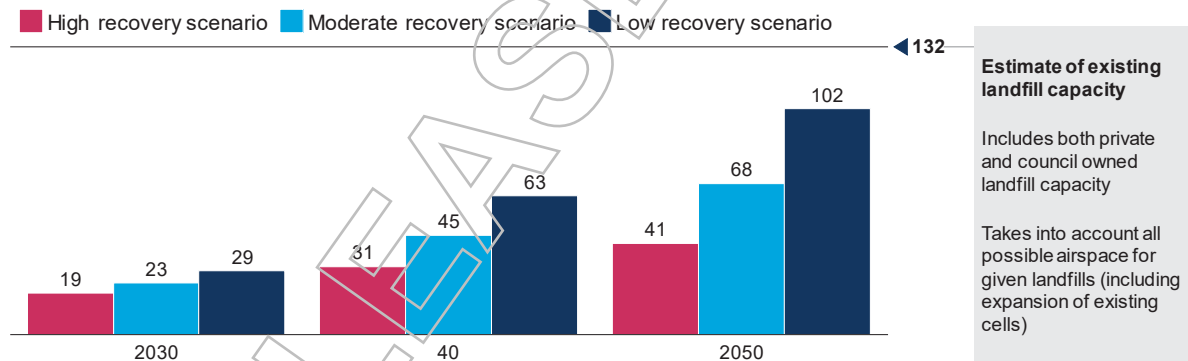
The estimated capacity of existing public and private landfills in South East Queensland, including potential expansion of existing cells, is 132 million tonnes. This includes currently developed capacity, capacity that is approved but not yet constructed, and capacity that is available adjacent to existing cells but not yet approved.

When this capacity is compared with forecast aggregated SEQ waste flows across C&I and MSW waste streams, analysis suggests there is technically sufficient capacity to accommodate waste flows beyond 2050, provided there is a degree of capacity sharing across Councils. This is true under a range of different waste flow quantity scenarios. Exhibit 3 below shows projected quantity of waste flows through to 2050 under three scenarios. While all of these scenarios include population growth at rates currently forecast by the Australian Bureau of Statistics, they represent different potential outcomes in terms of waste generation per capita, and in terms of rates of recycling and recovery. In a high recovery scenario, as envisioned by the State's Waste Management and Resource Recovery Strategy, landfill capacity in 2050 is >3 times more than required. Even in a low recovery scenario – if waste generation and recycling behaviours stayed relatively stagnant – the analysis suggests that sufficient capacity exists.

Exhibit 3⁴

Cumulative tonnage added to SEQ putrescible landfill 2030-2050

Millions of tonnes

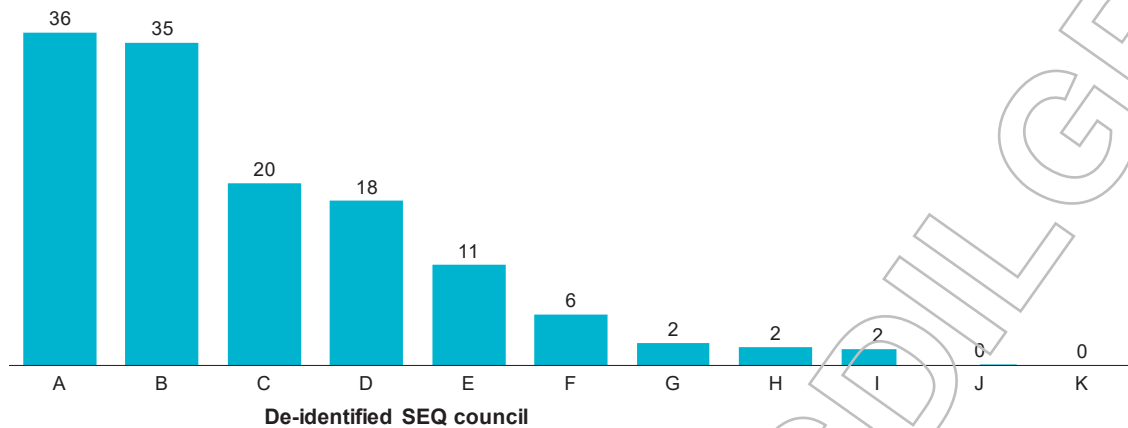


Existing SEQ landfills have the technical capacity to last until beyond 2050 based on available putrescible airspace. Several constraints may limit utilisation of this capacity in outer years, e.g. distances between councils and landfill sites, sufficiency of connecting road networks, dwindling capacity of inert landfills

While capacity is sufficient in aggregate across South East Queensland, it is not sufficient for each individual Council, with a number of Councils likely to reach landfill capacity within the next 10 years. Accordingly, one path to resolve this could be collaboration between Councils to match available capacity with demand across Councils. Such collaboration would entail detailed consideration of least cost approaches to transport and logistics, alongside consideration of the economics for the individual Councils involved. Alternatively, Councils seeking landfill solutions may choose to go to market to seek private sector responses to collect and find disposal locations for the waste stream. Exhibit 4 below demonstrates the available capacity by Council, including private landfills, highlighting that much of the available capacity is shared across five Councils.

⁴ DES local government waste survey 18-19, infrastructure report consolidated data, individual data from councils. High recovery assumes: MSW generation per capita declines in line with state targets; C&I constant at 2019 levels, C&I recovery rate increases in line with state targets, the proportion of total recyclable material placed in recycling bin is uplifted to SA levels (72%) by 2030 and Victoria's level by 2050 (80%), Proportion of organic waste removed from the red bin is 40% of food, 80% of garden organics by 2030 with a FOGO bin penetration of 80%, ABS medium population growth. Medium recovery assumes MSW generation per capita declines 50% of the way to state targets; C&I constant at 2019 levels, C&I recovery rate increases 50% of the way to state targets, the proportion of total recyclable material placed in recycling bin is uplifted to SA levels (72%) by 2035, constant thereafter, proportion of organic waste removed from the red bin is 40% of food, 80% of garden organics by 2030 with a FOGO bin penetration of 40%, ABS medium population growth. Low recovery assumes: MSW and C&I generation per capita remain constant at 2019 levels, C&I recovery rate remains at 2019 levels, the proportion of total recyclable material placed in recycling bin remains constant at current levels (~49%), no change versus today on organics recovery, ABS medium population growth

Available putrescible landfill airspace by de-identified council, millions of tonnes



MATERIAL RECOVERY FACILITIES IN SOUTH EAST QUEENSLAND

Based on outside-in analysis, it is estimated that South East Queensland has a maximum material recovery facility capacity for MSW of ~315ktpa⁶, of which ~237ktpa (75%) is utilised in 2020. These outside-in estimates are based on a number of assumptions that have been calibrated with relevant industry experts: that all MRF facilities can operate on a double shift; that facilities have maximum feasible utilisation of 90% of total capacity; that belt speed is reduced by 10% over time to reduce contamination of outputs; and that MSW accounts for 96% of waste being sorted in these facilities.

Exhibit 5 shows projected MRF requirements of South East Queensland in 2030 and 2050 under four comingled recycling waste flow scenarios⁷. There are multiple different options for the footprint of this additional capacity, and these are explored later in this document.

⁵ Council provided airspace data, local government ARCADIS survey

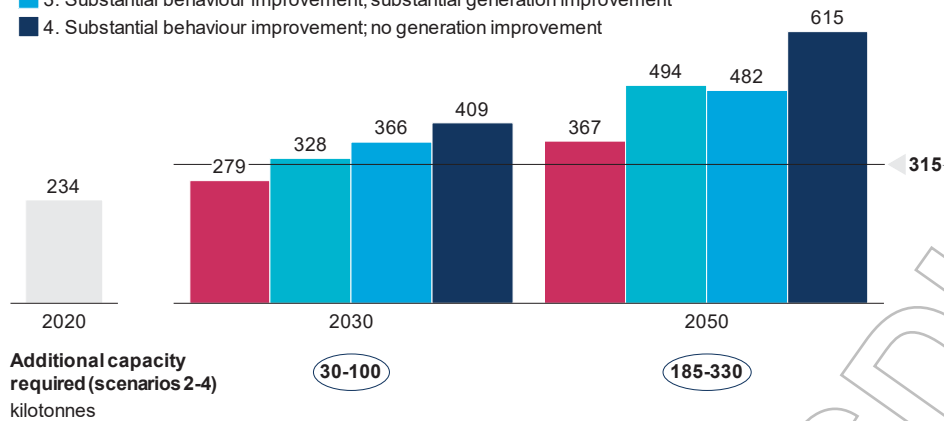
⁶ Including reduction in capacity based on 10% belt slowing to reduce contamination. If this is excluded, total capacity for MSW is ~350 ktpa

⁷ Scenarios based upon: Council interviews; ABS/QLD state government population forecasts; Queensland Waste Management and Resource Recovery Strategy targets; Annual waste survey data, Queensland 2018-19; Victoria Government Waste Profile, 2016-2017, p. 43 (Victoria waste composition); East Waste South Australian bin audits (<https://www.eastwaste.com.au/bin-materials-audit-results-for-east-waste/>); South Australia's Recycling Activity in 2017-18; and Victorian Local Government Annual Waste Services Report 2017-18.

Annual SEQ MRFs comingled recycling throughput versus MRF capacity

Kilotonnes

- 1. Minimal change versus today
- 2. Modest behaviour improvement; moderate generation improvement
- 3. Substantial behaviour improvement; substantial generation improvement
- 4. Substantial behaviour improvement; no generation improvement



SEQ MRF capacity, assumes:

All MRF facilities double shift

Facilities have maximum feasible utilisation of 90% of total capacity

Belt speed is reduced by 10% over time to improve quality of output

MSW accounts for 96% of waste being sorted, C&I accounts for 4%

C) CURRENT WASTE SYSTEM COSTS AND THE COSTS OF ALTERNATIVE WASTE SYSTEM ELEMENTS

Council waste charges across CoMSEQ range from ~\$240-\$370 pa, with an average of ~\$305 pa in 2018-19⁹.

This range is likely to reflect significant variations in costs across Councils, driven by a number of factors including: the size, scale and location of the Council, and its negotiating power; whether landfills are owned or not; population density; collections services offered to rate payers and service levels.

Regardless of their absolute cost base, Councils have worked hard to keep cost increases to a minimum: over the last five years, the average annual increase in waste charges to ratepayers has been just 2%¹⁰.

There are three important considerations of current state system costs to note:

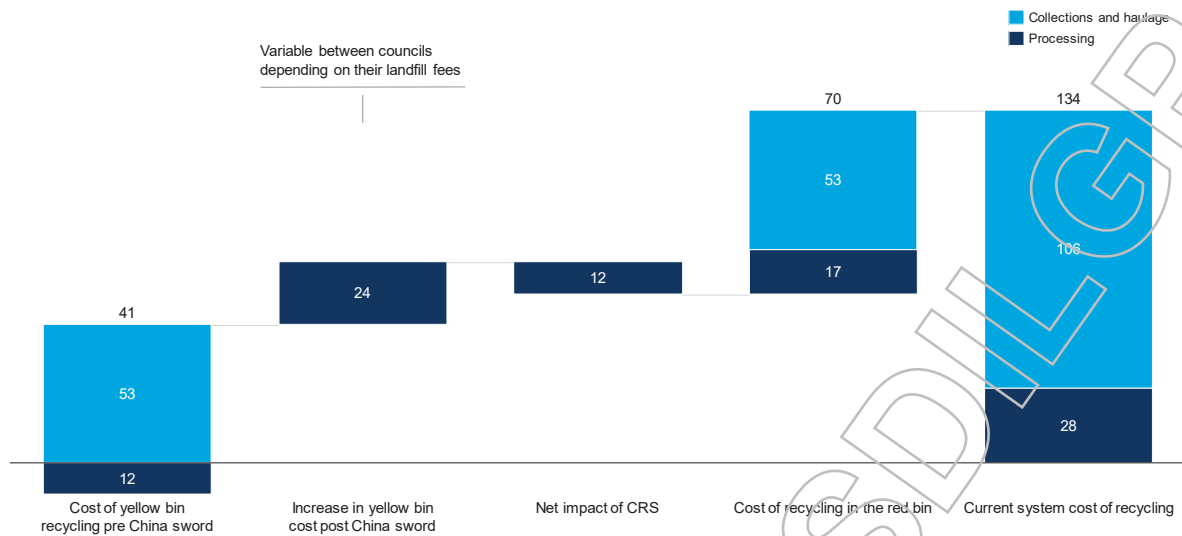
- **Key cost drivers:** While variations exist, the most significant element of system cost is collections, which typically comprises 60-80% of total costs to provide the service. Processing costs, and to a lesser extent haulage costs, make up the bulk of remaining costs. This cost structure is an important consideration when considering future design levers, as shifts in processing costs can easily be dwarfed by design choices that require additional collections activities.
- **Recent and emerging cost pressures:** Recent pressures such as the China Sword have increased system costs significantly. It is estimated that reduction in value of recycled materials equates to roughly a \$16/household/annum cost increase (~5% increase). This has in many cases been partially offset by the impact of Container Refund Scheme revenues, although not all Councils report having accessed this benefit. Exhibit 6 shows the average impact of these forces for South East Queensland.

8 Council interviews, ABS/QLD state government population forecasts, Queensland Waste Management and Resource Recovery Strategy targets, Annual waste survey data, Queensland 2018-19, Victoria Government Waste Profile, 2016-2017, p. 43 (Victoria waste composition), East Waste South Australian bin audits (<https://www.eastwaste.com.au/bin-materials-audit-results-for-east-waste/>), South Australia's Recycling Activity in 2017-18, Victorian Local Government Annual Waste Services Report 2017-18. Major assumptions: Proportion of total recyclable material placed in recycling bin (46% today) remain constant at current levels (~46%) for scenario 1, uplifts to SA levels (72%) by 2035, constant thereafter for scenario 2, uplifts to SA levels (72%) by 2030 and Victoria's level by 2050 (80%) for scenario 3, uplifts to SA levels (72%) by 2030 and Victoria's level by 2050 (80%) for scenario 4; ABS medium population growth case for all scenarios; waste generated per person constant at 2019 levels for scenario 1 and 4, declines 50% of the way to state targets for scenario 2, declines in line with state targets for scenario 3; growth in the recovery rate of the container deposit scheme (60% today) reaches 70% by 2025, constant thereafter for scenario 1, reaches SA levels (77%) by 2025, constant thereafter for scenarios 2-4

9 Queensland Local Government Comparative Information 2018-19, Department of Local Government, Racing and Multicultural Affairs

10 Queensland Local Government Comparative Information 2016-17 to 2019-20, Department of Local Government, Racing and Multicultural Affairs

Current system cost of recycling and the impact of China Sword and the CRS \$m



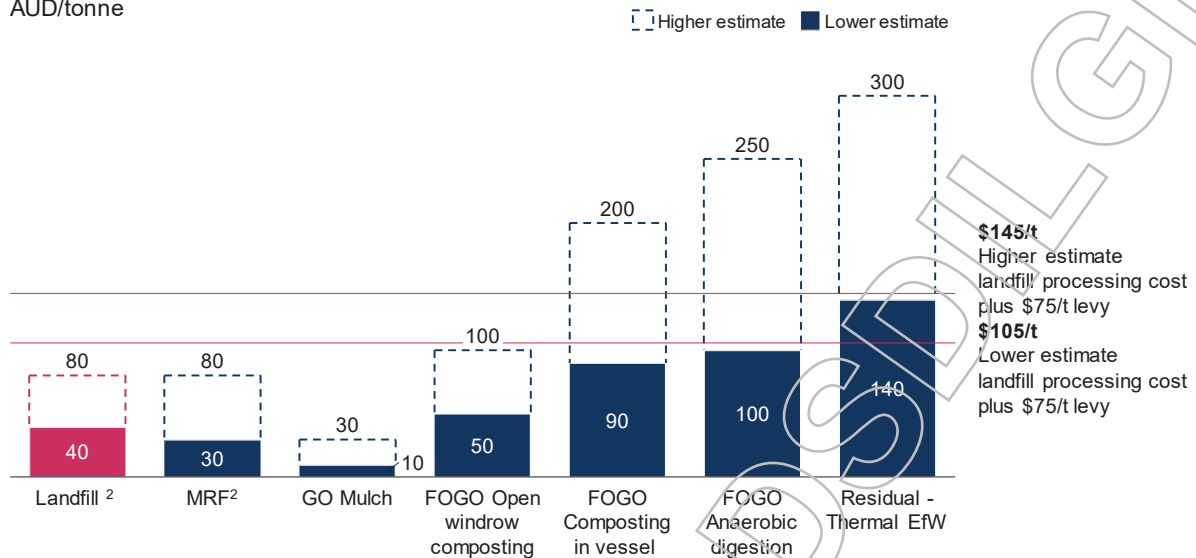
- Cost of alternate processing types:** Different processing techniques have different associated costs and these have been benchmarked – with landfill and MRF having similar costs, organics option costs varying widely, and thermal energy-from-waste the most expensive. Exhibit 7 shows the indicative gate fees for several waste processing technologies. Range of these benchmarks is likely driven by differences in operational efficiency, relative negotiating power of suppliers and providers, timing of potential investment decisions and assumptions about labour required and its cost. It should be noted that the figures provided in Exhibit 7 represent a benchmarked range of costs to Councils (gate fees) based on current Australian/Queensland market dynamics. Accordingly these figures would include a return on capital deployed for the infrastructure asset owner. If Councils chose to become the asset owner, processing costs could be reduced from what is represented below if Councils are able to achieve: i) a significantly lower cost of capital than available to commercial providers; and ii) an offset of any profits achieved above the cost of capital.



Exhibit 7¹²

Indicative gate fees for waste processing options (ex. collections and transport costs) with levy overlaid

AUD/tonne



Note that there is a significant range in cost estimates based a number of factors in play. True costs will be revealed through market testing and procurement processes, however, the relativity between the technologies is expected to hold.

D) OPERATION OF THE LANDFILL LEVY AND REBATE

The landfill levy was introduced into South East Queensland to drive a system-wide shift towards higher levels of waste recycling and recovery.

In the introductory period (until 30 June 2022), Government committed to ensure that the waste levy would have no direct impact on households. During this period the Queensland Government provides Councils that dispose of household waste in the levy zone with an annual advance payment (rebated 105%).

In the short- to medium-term the levy rebate is intended to be removed, with funds used to promote development of the recycling and reprocessing industries that will support a more circular economy. The Queensland government has committed that 70% of revenue raised from the landfill levy will go back to Councils, the waste industry, scheme start-up, and environmental programs.

Removing the levy rebate will alter the economics of recycling for local Councils, making some alternatives to landfill more economically attractive. Exhibit 7 (above) overlays the total cost of landfill to Councils without the levy rebate as a horizontal line, compared to the cost of other processing technologies; some of these alternatives now become less expensive than landfill, on the basis of processing cost only.

12 SEQ Local Government QWRRIP survey responses, SEQ industry and local government benchmarks, 'The full cost of landfill in Australia', Department of Agriculture, Waste and the Environment, Sustainability Victoria benchmarks

E) CITIZEN SATISFACTION AND EXPECTATIONS

Council interviews indicate that overall citizens are satisfied or very satisfied with the waste collection and management systems of Councils in South East Queensland. Waste services are in the highest groupings of citizen satisfaction, although some Councils identified concerns about cost increases.

Several Councils noted that their residents received extremely high levels of service and reported that changing or reducing waste services, or increasing charges, could be challenging.

In moving forward with new models of waste management, care must be taken to engage citizens fully in the reasons for change, and to take them on the journey about how to change, so that high levels of citizen satisfaction are maintained.

F) PILOTS AND PLANNING ALREADY IN PROGRESS

Councils have not stood still in the face of the many changes in this sector. At the time of developing this report, most Councils already had multiple strategic processes underway to explore options for strategically optimising waste management for their rate payers.

Several Councils have tested the market for options for additional material recovery facilities, co-digestion of organic materials with waste water waste streams through anaerobic digestion, and alternative food organics and garden organics treatment facilities.

Some Councils are progressing already with changes to food organics and garden organics collections and processing, including planning for the introduction of kerbside garden organics collection services, and trials of food organics and garden organics collection services.

The scope of this report is intended to be complementary to these processes, by providing CoMSEQ an opportunity to align at a high level on a longer-term strategic direction, the '2030 target state', enabling shorter-term choices to be made in a way that is consistent with this direction.

The following three chapters describe each of the waste streams, options considered, recommendations, future work required and impacts of the proposed 2030 target state. The combined recommendations are then presented, followed by funding options for the transition and the immediate next steps.

4. Comingled Recycling

This chapter provides an overview of the recommended pathway for CoMSEQ Councils for the comingled recycling waste stream. It includes:

- a) Overview of comingled recycling waste stream dynamics
- b) Implications of these dynamics for CoMSEQ Councils
- c) Options considered
- d) Recommendations to move towards the 2030 target state
- e) Impacts of these recommendations on progress compared to State targets, economic development outcomes and operating economics

A) OVERVIEW OF COMINGLED RECYCLING WASTE STREAM DYNAMICS

The comingled recycling stream for MSW in South East Queensland is shaped by four factors, which are explored in more detail in the sections that follow:

- Available data indicates that SEQ has relatively low rates of recycling and high levels of contamination
- MRF economies of scale will drive future facility operating costs
- Secondary market prices declined significantly in response to the China Sword decision
- The Container Recycling Scheme (CRS) has increased the value of plastic and glass containers, with some Councils capturing a financial benefit, although this benefit may not be sustained in the long term.

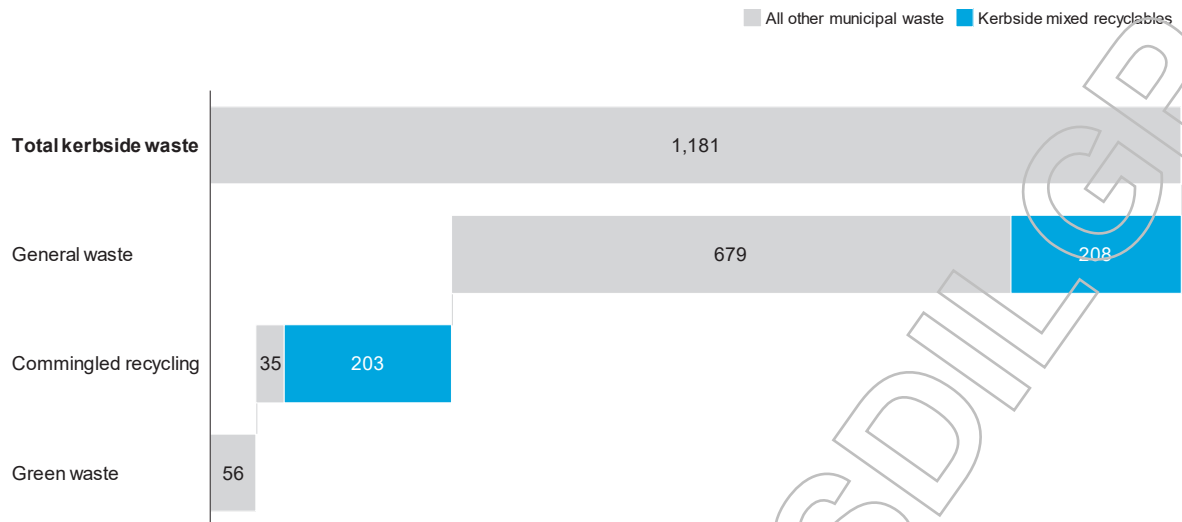
AVAILABLE DATA INDICATES THAT SEQ HAS RELATIVELY LOW RATES OF RECYCLING AND HIGH LEVELS OF CONTAMINATION

Peer state comparison suggests there is an opportunity to improve recycling behaviour in South East Queensland³³. Based on available bin composition data, 49% of comingled recyclable material produced by households in South East Queensland is placed in the comingled recycling bin; the other 51% is placed in the general waste bin (see Exhibit 9). In South Australia, 72% of comingled recyclable material is placed in the recycling bin, while Victoria achieves 80%. Although compositional audits are imperfect and not representative for all Councils, this difference suggests a significant opportunity for SEQ in enhancing comingled recycling recovery.



Kerbside waste collected in SEQ by type 2018-19

Kilotonnes



MRF ECONOMIES OF SCALE WILL DRIVE FUTURE FACILITY OPERATING COSTS

Material Recovery Facilities (MRF) exhibit economies of scale whereby larger facilities operate at significantly lower capital and operating costs per tonne. Available evidence suggests that MRFs cease accruing substantial economies of scale per tonne of waste processed after they reach ~60-100ktpa throughput per year¹⁵. Exhibit 9 shows operating and annual capital costs per tonne for 12 US MRF facilities, overlaid with existing SEQ facilities. While this analysis is based on international data, it is anticipated that the shape of the cost curve would be similar in Australia, although the absolute costs would be different.



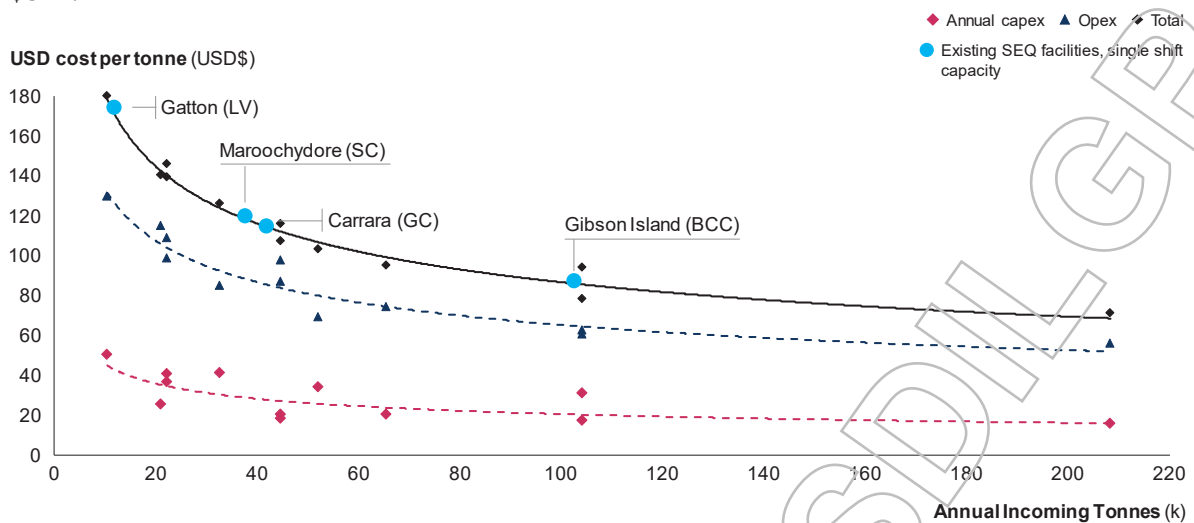
¹³ Annual waste survey data, Queensland 2018-19, Victoria Government Waste Profile, 2016-2017, p. 43 (Victoria waste composition), East Waste South Australian bin audits (<https://www.eastwaste.com.au/bin-materials-audit-results-for-east-waste/>), South Australia's Recycling Activity in 2017-18, Victorian Local Government Annual Waste Services Report 2017-18, team analysis

¹⁴ DES local government waste survey, 18-19, 13 sets of SEQ compositional waste audits (>25k bins)

¹⁵ Resource Recycling Systems, A Study of the Optimization of the Blue Box Material Processing System in Ontario (Volume 3: Cost Modelling). Sample of 12 MRF facilities, 2012

Operating and annual capital cost per tonne for 12 MRF US facilities by annual incoming tonnes

\$USD/tonne



South East Queensland's Gibson Island facility processes an annual volume of over 100,000 tonnes per year, operating at a structurally efficient point on the cost curve. The Gibson Island MRF occupies the most central geographic position, and many Councils currently contract with this MRF. While other facilities in South East Queensland are operating at a higher point on the cost curve, dis-benefits of additional processing costs may be offset by benefits of local employment, reduced transport costs, and the price benefits of different ownership models.

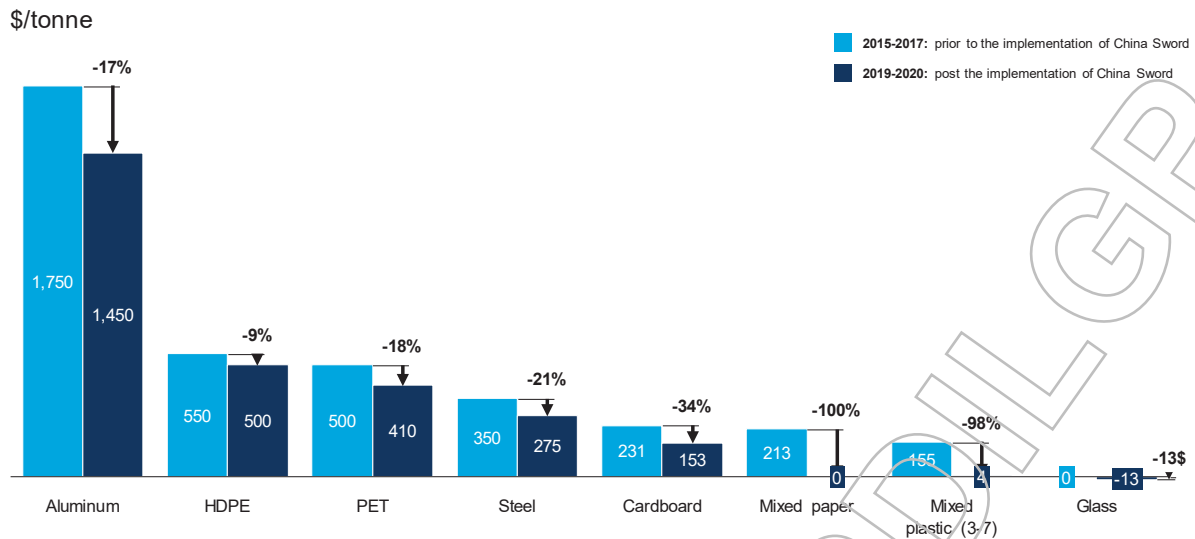
Many Councils noted issues with current MRF arrangements in SEQ due to a lack of operator competition, limited control, lack of transparency of environmental outcomes achieved, and uncertainty on whether cost changes and efficiencies (e.g. from scale) are passed on to Councils in their contracts.

The scale of future facilities and their proximity will drive the cost efficiency of new MRF facilities in SEQ. Building additional MRF facilities is likely to reduce transport costs overall, since on average waste needs to be transported less distance to reach a facility. However, if smaller scale facilities are built this is likely to increase processing costs. Whilst difficult to estimate, it's likely that a less concentrated market structure with new entrants would increase prices for commodities produced.

SECONDARY MARKET PRICES DECLINED SIGNIFICANTLY IN RESPONSE TO THE CHINA SWORD DECISION

Secondary markets for recycled materials substantially drive the economics of resource recovery. Post China Sword, recyclable commodity prices in Australia went to near zero or negative for mixed paper, mixed plastic and glass. These price drops have reduced the value of a tonne of recycling by ~\$100/t, translating to a ~\$24 million annual cost to SEQ and ~\$16 per household per year. Exhibit 10 shows the difference in value of key recyclable commodities between 2015-2017 and 2019-2020.

Australian Recyclable commodity prices 2015-2017 and 2019-2020



Looking forward, international markets appear unlikely to return to accepting highly contaminated waste material. China was an early mover, with the China Sword policy banning imports of contaminated recyclable material (>0.5% contamination) from 1 January 2018. This was followed by a series of similar shifts across Australia's waste export destinations, including Malaysia announcing a ban of imported non-recyclable plastic by 2021, Thailand's ban on plastic waste and scrap import by 2021, India's enforcement of a 1% contamination limit for paper imports, and Indonesia's 2% contamination limit on paper and plastic.¹⁸

In August 2020 the Australian Government confirmed its commitment to reducing waste exports, introducing legislation that bans exports of waste of various classes including waste plastics, paper, glass and tyres. At the time of drafting this report the legislation had not passed the Commonwealth parliament to become law¹⁹.

Domestic adjustments to the China Sword shock are still evolving, with a significant shift required to create a healthy local end market. Governments have taken some steps, including announcements by national, State and local agencies.

To contribute to industry development the Australian Government has announced a \$250 million recycling modernisation fund, and the Queensland Government has committed \$100 million investment in line with their 10-year Roadmap and Action Plan.

17 Sustainability Victoria Recovered resources market bulletin July 2020, March 2019, Australian Packaging Covenant Organisation (Market Impact Assessment Report: Chinese Import Restrictions for Packaging in Australia), Parliament of Australia (Key challenges and opportunities for Australia's recycling effort, VISY submission to APH paper
18 <https://www.environment.gov.au/system/files/resources/99f2dfad-bcc3-40e0-9193-f343f76280d2/files/waste-export-summary-may-2020.pdf>
19 https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6573

THE CONTAINER RECYCLING SCHEME (CRS) HAS INCREASED THE VALUE OF PLASTIC AND GLASS CONTAINERS, WITH SOME COUNCILS CAPTURING A FINANCIAL BENEFIT

The Queensland CRS has increased the value of eligible containers and improved the recycling of eligible plastic and glass containers.

The CRS has had two major impacts on MRFs and Councils: it has decreased MRF volumes by ~10-15%, and increased value for CRS materials compared to market commodity prices. Specifically, the CRS currently equates to providing a secondary market price for glass of \$915/t which is significantly higher than the market price of glass at approximately \$0/t.

Perhaps somewhat counterintuitively, outside analysis suggests that the combination of these two impacts has in general been favourable for Council economics. The value uplift for Councils occurs when the containers that could have been returned to container refund points are placed in bins for comingled recycling. In this case, the CRS refund is divided between the MRF operator and the Council. Currently, the default arrangement is a 50/50 split between councils and MRF operators as stipulated under state protocols, but this split can change depending on the specific contractual agreements between councils and MRF operators.

Exhibit 11 shows the estimated cost to Councils with and without the CRS, comparing the cost of one tonne of comingled recycling pre and post CRS²⁰.

This value capture for Councils shown in Exhibit 11 will persist if:

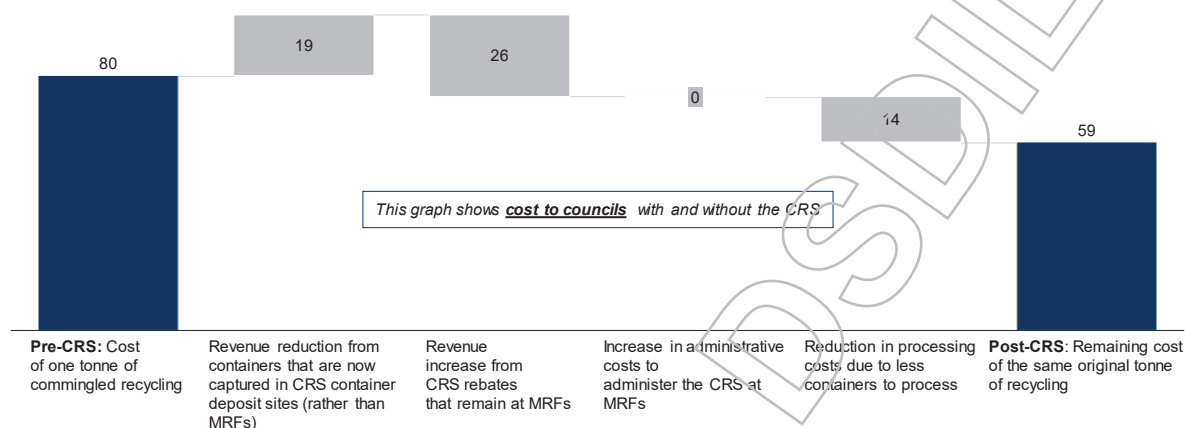
- Current CRS rebate levels do not decrease substantially
- The division of CRS revenue between MRF operators and Councils do not become significantly less favourable for Councils
- Prevailing commodity prices for glass do not increase significantly
- Substantial CRS volume (~20% of total CRS containers) continues to be collected through MRFs.

²⁰ Major assumptions: 70% of waste captured in the CRS would go in the comingled bin if CRS not in place (conservative compared to 46% total recyclables in comingled bins in QLD), 20% of total CRS flows are through MRFs, 50% of revenue from MRF CRS rebates is accrued by councils, administrative costs per tonne of CRS are ~\$2.6/t (CIE), processing costs assumed to reduce proportionally to volume

Exhibit 11²¹

Impact of CRS implementation on the cost of one tonne of comingled recycling

\$



B) IMPLICATIONS

There are three critical implications of the current state of comingled recycling in South East Queensland:

1. **Developing strong secondary markets is critical** to sustainability of the recycling sector, requiring a concerted effort to nurture healthy local end markets for recycled streams. As Councils ultimately carry the risk of ownership of waste, a healthy end market for recycled commodity streams is the best insurance enabling value capture from the waste on a sustainable ongoing basis
2. **Improving recycling rates provides a win** for Councils, both increasing landfill diversion and reducing costs.
3. **Building a cost-effective and resilient recycling system relies on collectively making infrastructure and commercial decisions** towards more desirable recycling processing and secondary uses, seeking to:
 - Minimise net system costs
 - Reduce market concentration
 - Increase system resilience
 - Align private sector incentives with state objectives of transparency and environmental outcomes.

21 Sustainability Victoria Recovered resources market bulletin July 2020, Container Exchange annual report and data dashboard, Revenue sharing arrangements between MRFs and councils from the NSW Container Deposit Scheme (CIE). Major assumptions: 70% of waste captured in the CRS would go in the yellow bin if it weren't in place (conservative compared to 46% total recyclables in yellow bin in QLD), 20% of total CRS flows are through MRFs, 50% of revenue from MRF CRS rebates is accrued by councils, administrative costs per tonne of CRS are ~\$2.6/tonne (CIE), processing costs assumed to reduce proportionally to volume

C) OPTIONS CONSIDERED

This section sets out the key decision areas relevant to the comingled recycling waste stream, and the options considered in each decision area. A summary of this is provided in Exhibit 12.



OPTIONS CONSIDERED; COMINGLED WASTE STREAM, TARGET 2030 END STATE

Decision area	Options	Majority Target End State	Rationale	
Achieving optimised rates of recycling	No significant focus	Significant focus –individual Council level	Significant focus – leveraging COMSEQ scale	Bin audits suggest capture of recyclables in SEQ is lower than Victoria and SA. All tonnes diverted from landfill to recycling have significant cost and landfill benefits.
Supporting development of secondary markets	No significant focus	Significant focus –individual Council level	Significant focus – leveraging COMSEQ scale	Value of recyclables in secondary markets directly impacts cost to councils, and local job creation. Significant upside from supporting development post China Sword
Footprint for required new MRF capacity	Single ‘mega’ MRF	1-2 additional ‘at scale’ MRFs	Local, smaller scale MRFs	Provides a balance of efficient operating cost (processing at scale, and optimised haulage), with the benefit of introducing additional competition into the market at commercial scale. Choosing this as the ‘majority position’ would not prevent individual councils proceeding with local-scale solutions if that better meets local needs.
Ownership model for required new MRF capacity	Private (market) Ownership	Council owned, privately operated	Council owned and operated	Not considered in this piece of work, for future consideration
Scope of Container Refund Scheme	No Change	Expand scope to include additional glass bottles	Expand scope beyond glass bottles	Glass bottles have almost no value in secondary markets, and contaminate higher value recyclables (paper) when in yellow bin. The CRS transforms the value of glass, increasing its value – a net benefit to councils if MRF contracts provide for value-sharing. CRS for non-glass items devalues yellow-bins
Bin system	No change (co-mingled yellow bin)	Introduce extra bin - glass only	Introduce extra bin - cardboard/paper only	Not yet a clear economic case for additional bin- could be considered in the future if actively supported by MRF/clear positive business case. Victoria is introducing a glass bin and this precedent could be observed to understand impact.

ACHIEVING OPTIMISED RATES OF RECYCLING

As described above, available bin composition data suggests that there is a significant opportunity across South East Queensland to improve the diversion of recyclable materials from landfill. Specifically, bin composition data suggests that only around 49% of commingled recycling is placed in the correct bin.

It is noted that bin composition data in South East Queensland is imperfect, so the available data may over or under-state or over-state the opportunity, particularly at the individual Council level. However, most Councils agree that there is an untapped opportunity in improving recycling rates, even if the exact scale of the opportunity cannot be fully quantified.

Capturing recycling rate improvements relies on behaviour improvement at the household level, which can be difficult to implement effectively and variable between Councils. Councils agreed that campaigns to improve recycling behaviour would need to be world class to be effective – steeped in most advanced understanding of behavioural science, and leveraging what has worked best globally while tailoring it to be appropriate for the local context. It is unlikely to be economic for any one Council to act alone in designing and implementing such an effort – hence this is an area where CoMSEQ-wide collaboration makes sense.

SUPPORTING THE DEVELOPMENT OF SECONDARY MARKETS

Healthy secondary markets are critical to achieving both the environmental and economic benefits of recycling, and have become more acutely important since China Sword. Councils do not have particularly high levels of control over the development of secondary markets, but do have a strong interest in these markets being healthy. As such, fostering secondary markets relies on both direct Council actions including taking a direct procurement role where it makes sense and setting an enabling posture towards new market entrants (e.g. rapid adoption of appropriate new products and standards, active facilitation of local markets); and using the combined scale of CoMSEQ to advocate for the State government to do the same. The Sustainability Victoria model is noted as a compelling example of momentum in this space.

FOOTPRINT FOR REQUIRED NEW MRF CAPACITY

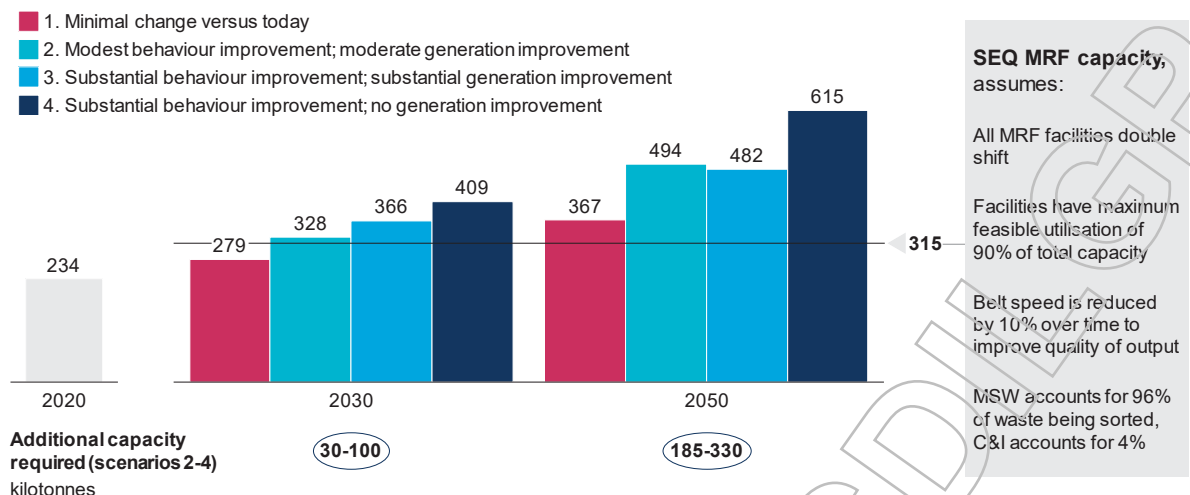
Scenario modelling of recycling stream waste flows out to 2050 suggests that an additional 185- 330ktpa of annual recycling capacity will be required over this time period, with the range determined by the level of improvement achieved in the rate of recycling, and the level of change in overall waste generation per capita, illustrated in Exhibit 13²².



22 Council interviews, ABS/QLD state government population forecasts, Queensland Waste Management and Resource Recovery Strategy targets, Annual waste survey data, Queensland 2018-19, Victoria Government Waste Profile, 2016-2017, p. 43 (Victoria waste composition), East Waste South Australian bin audits (<https://www.eastwaste.com.au/bin-materials-audit-results-for-east-waste/>), South Australia's Recycling Activity in 2017-18, Victorian Local Government Annual Waste Services Report 2017-18. Major assumptions: Proportion of total recyclable material placed in recycling bin (46% today) remain constant at current levels (~46%) for scenario 1, uplifts to SA levels (72%) by 2035, constant thereafter for scenario 2, uplifts to SA levels (72%) by 2030 and Victoria's level by 2050 (80%) for scenario 3, uplifts to SA levels (72%) by 2030 and Victoria's level by 2050 (80%) for scenario 4; ABS medium population growth case for all scenarios; waste generated per person constant at 2019 levels for scenario 1 and 4, declines 50% of the way to state targets for scenario 2, declines in line with state targets for scenario 3; growth in the recovery rate of the container deposit scheme (60% today) reaches 70% by 2025, constant thereafter for scenario 1, reaches SA levels (77%) by 2025, constant thereafter for scenarios 2-4

Annual SEQ MRFs comingled recycling throughput versus MRF capacity

Kilotonnes



In determining the optimal footprint for this capacity, four key factors were considered: the efficient scale of an MRF facility (evidence suggests facilities are at efficient scale at a threshold of ~60ktpa); location of facility to minimise haulage costs; the negotiating power for Councils to secure competitive pricing (either through ensuring a competitive MRF market with multiple players, or through Councils taking an ownership stake); and the creation and location of jobs associated with MRFs.

From a pure economic perspective, analysis suggests that the lowest cost, highest resilience option for Councils would be to plan towards introducing one to two new, at scale facilities into the market between now and 2030. However, at the margin a similar outcome for the region could still be achieved if a number of Councils choose instead to work towards local, smaller scale recycling options.

OWNERSHIP MODEL FOR NEW PROCESSING INFRASTRUCTURE

Given that Councils will be a dominant customer of MRF processing facilities, the potential exists to explore an ownership or insourcing model for processing facilities, leveraging the potentially lower cost of capital available to Councils, and eliminating third-party margin, to reduce the total system cost to ratepayers. This model already exists for some of the smaller MRF facilities in the region. The attractiveness of this option versus market alternatives has not been considered in depth but would require consideration as part of the detailed business case development.

An additional factor to consider from an ownership perspective, and linked to the footprint question discussed above, is the benefit of introducing a higher level of competition into the MRF market, given the issues raised by some Councils about current service levels offered by the single current at-scale operator. This increased level of competition could be achieved either through introduction of a Council-owned, at scale MRF, or through the introduction of a new private operator.

SCOPE OF THE CONTAINER REFUND SCHEME

As described above, the economics of the container refund scheme, particularly as it relates to glass, has injected value into the kerbside comingled recycling waste stream. The CRS rebate for recycled glass (\$915/t) is significantly higher than the value of glass in the secondary recycling market (\$0/t). It is understood that not all Councils have benefited from this, as the ability to benefit from the value stream is dependent on the contract structure of individual Councils with the MRF facility (Some Councils share the value of CRS items processed through the MRF, whereas with other Councils, it is reported that the MRF retains the full benefit). It is important to note that this benefit applies most clearly to glass containers in the CRS scheme; PET and aluminium containers have higher value in secondary markets and although the CRS rebate also exceeds their secondary market price, the net value created or detracted from the CRS is less clear.

BIN SYSTEM

Across Australia and globally, experimentation has occurred with further upstream delineation of recyclable materials, to optimise recovery from this stream. The main objective of increased upstream (household) sorting is to reduce contamination of relatively high value paper and cardboard waste from crushed glass, which renders paper/cardboard less valuable (e.g. presence of glass shards means the product couldn't be used in food packaging like egg cartons). The importance of minimising contamination is increasing as the markets for contaminated recyclables decline.

The most common models in practice include a separate bin for paper/cardboard (more common in NSW), or a separate bin for glass. This latter model – a fourth bin solely for glass – is being introduced mandatorily across Victoria by 2030. The challenges involved include increased household storage requirements for the introduction of a third or fourth bin, and increased collections costs.

Given these complexities, and the relatively low value of recyclable materials in secondary markets currently, introducing further upstream sorting was not viewed as a high priority relative to other components of this Plan, although there was acknowledgement that this position may shift in future. It is agreed that it would be important to keep a watching brief on this space, learning from the Victorian experience, and being prepared if/when the business case became compelling, particularly in higher density areas.



D) RECOMMENDATIONS

With the above taken into account, there are six recommendations on comingled recycling:

1. Launch a joint, evidence based behaviour change campaign to reduce comingled bin contamination rates to <5% and increase recyclables to 80% over the next 10 years
2. Advocate for State and peak body support for recycled product end markets, (e.g. procurement, standard setting, R&D etc)
3. Coordinate local government led efforts to support end markets for recycled streams (e.g. procurement, changes to LG specifications)
4. Advocate for the broader rollout of CRS to additional glass containers
5. Examine benefits and pathways for removal of glass from the kerbside comingled system in SEQ, if proven by Victorian experience
6. Plan for installation of 1-2 new MRF facilities by 2030, planning for;
 - Medium-large scale (> 60k single shift capacity)
 - Located to reduce transport costs
 - Jointly agreed optimised ownership model for new capacity (insourced or outsourced)

Caveat

One Council may look to partner with adjoining Western Councils to achieve economies and reduce transport costs

E) 2030 PROJECTED OUTCOMES FROM COMINGLED RECYCLING RECOMMENDATIONS

Projected outcomes from comingled recycling recommendations are summarised in Table 1, below;

Table 1: 2030 Projected outcomes from comingled recommendations

Outcome area	Estimated 2030 impact	Notes on method and inclusions
Landfill diversion rate impact	6% improvement versus 2018-19 baseline	Global expert input and national scan of States' achievement
Economic development outcomes	85 permanent jobs created 100-160 jobs per year of construction	Estimate of capital jobs created using Queensland Treasury standard multipliers
System operating cost	\$17 – \$25 m pa reduction in system operating cost	Based on global analysis of system operating cost
Up front, one off transition costs	\$46 – \$77 m	Based on capex for additional MRF facilities

5. Organics

This chapter provides an overview of the recommended pathway for CoMSEQ Councils for the organics waste stream. It includes:

- a) An overview of the waste stream dynamics
- b) Assessment of implications of foundational information for CoMSEQ Councils
- c) Options considered
- d) Recommendations to move towards 2030 target state
- e) Outcomes from recommendations on progress compared to State Targets, economic development outcomes and operating economics.

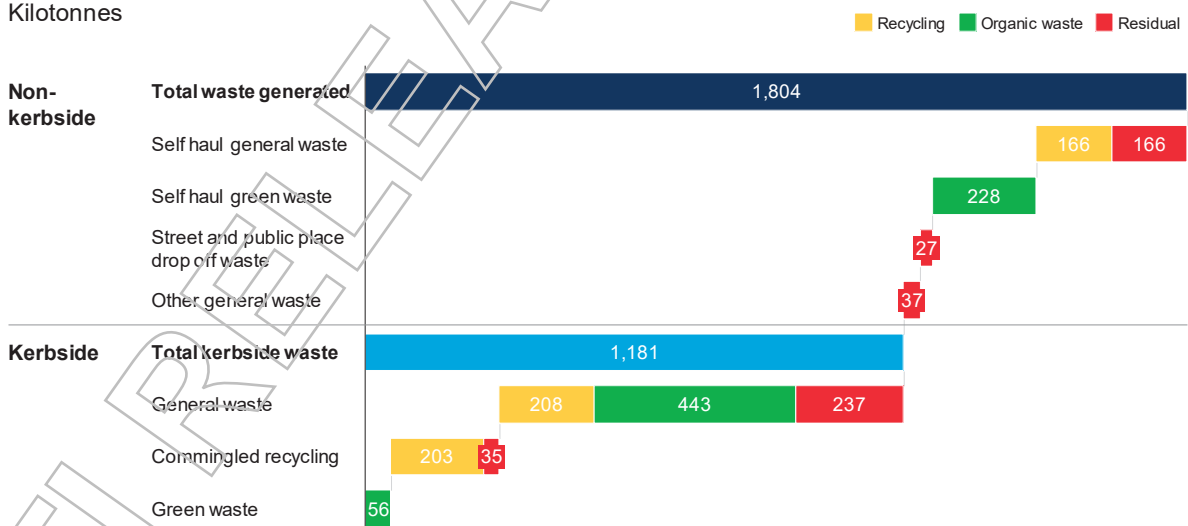
Each of these is discussed in turn.

Exhibit 14 shows where organic material is currently collected in the MSW system today, coloured green. A total of 228ktpa is collected as self-haul garden waste, 56ktpa in kerbside garden waste services and 443ktpa disposed in the General waste kerbside collection service.

Exhibit 14²³

Municipal waste generated in SEQ by type 2018-19

Kilotonnes



²³ DES Local Government Waste Survey 18-19, 13 sets of SEQ compositional waste audits (>25k bins). The data used in this chart is subject to several data limitations including survey methodology (self-reported by councils), sub-optimal equipment (no weighbridges) in some locations, and variable methods and definitions in measuring waste. Composition of self-haul waste (recycling and residual materials) is not clear in DES data, shown here notionally as 50/50 split.

A) OVERVIEW OF ORGANIC WASTE STREAM DYNAMICS

The organics waste stream for MSW in South East Queensland is shaped by six factors, which are explored in more detail in the sections that follow:

- Recovery of organics from the kerbside general waste stream represents the single biggest opportunity to move the needle on State landfill targets
- Source-separation of organics materials provides the strongest alignment with the waste hierarchy
- There is significant scope to learn from other Councils outside SEQ who are ahead on the organics collection journey
- All options for organics recovery will cost Councils more than sending the same waste to landfill, even assuming rebate removed
- In-vessel composting is the most likely processing technology to be suitable, and has the benefit of efficient scale achieved at low throughput
- Secondary markets for compost in SEQ are likely large enough to absorb new supply over time, and would benefit from market development support as FOGO schemes are rolled out.

RECOVERY OF ORGANICS FROM THE KERBSIDE GENERAL WASTE STREAM REPRESENTS THE SINGLE BIGGEST OPPORTUNITY TO MOVE THE NEEDLE ON STATE LANDFILL TARGETS

Organic material makes up ~50% of material collected in kerbside general waste bins in SEQ; this is split between food organics (29%) and garden organics (21%). As set out in Exhibit 15 (above), this is equivalent to 443ktpa, ~1.5 times more than the amount of organic material recovered through self-haul garden waste and existing kerbside garden organics services today²⁴.

With close reference to the experiences of other local Councils who have rolled out kerbside organics collection services, it's estimated that 178ktpa of the 406ktpa organic material collected in the general waste collection today could be captured through an organics collection service. This assumes SEQ is able to achieve benchmark capture rates (80% of garden organics, 40% of food organics based on a combined FOGO bin) and service penetration (80% of households) which have been demonstrated elsewhere²⁵. This would translate to a MSW landfill diversion rate improvement of 11 percentage points versus what is achieved today.



²⁴ DES local government waste survey, 18-19, 13 sets of SEQ compositional waste audits (>25k bins).

²⁵ Based on suggested targets from Sustainability Victoria reflecting experience of 46 councils, 'A guide for local government; Introducing a kerbside food and garden organics service, Metropolitan Waste and Resource Recovery Group', triangulated with data from WasteMinz (FOGO OR NOT TO)

SOURCE-SEPARATION OF ORGANICS MATERIALS IS REQUIRED TO MOVE IN LINE WITH THE WASTE HIERARCHY

Organics recovery can be achieved in one of two ways:

- **Source separation in the household, together with a kerbside organics collection service;** this results in a 'clean' material stream which can be used to produce higher-order recycled products, for example composts and soil additives, or used to recover energy
- **Sorting organic materials from the general waste stream, post collections;** via technology such as a 'dirty MRF' or mechanical biological treatment (MBT). While technology in this space continues to improve, post-collection sorting results in a contaminated organics stream which is broadly considered only suitable for energy recovery or, in some locations, for use in landfill/land reclamation.²⁶

It is worth noting that the benefits of post-collections separation are not insignificant – it involves a much lower collections cost, by avoiding the need for collection of a separate waste stream, and it also imposes less behaviour change demands on households, who can continue to mix their organic and inorganic waste. These benefits are offset by the lower amount of material that can be diverted from landfill due to contamination, and the inability to generate a higher-use end product for organic waste, again caused by contamination.

Queensland's Waste Management and Resource Recovery Strategy articulates a vision for a more circular economy, guided by the core principle of the waste and resource management hierarchy. It states: 'the options of fuel production, energy production or disposal should be reserved for residual waste that is unsuitable for higher order options'. Here, composting of organic materials is considered a higher order option, on par with recycling.

Adherence to this underpinning philosophy is evident in the policy direction taken by other Australian jurisdictions, for example;

- **Western Australia** has an explicit target to move to FOGO, as articulated in their headline strategy 'Deliver a harmonised kerbside collection system, which includes FOGO, in the Perth and Peel regions by 2025'²⁷
- **Victoria** has an explicit organics recovery target for '100% of households have access to a separate food and organics recovery service or local composting by 2030'²⁸

This also aligns with the position adopted by the EU, as outlined in its guidance notes to the Waste Framework Directive²⁹, with downstream sorting of organic waste encouraged only where it is not technically, environmentally or economically feasible to implement upstream sorting (the 'TEEP' provision).



WITH THESE CONSIDERATIONS IN MIND, FURTHER DEVELOPMENT OF THE PLAN FOR SEQ FOCUSES ON SOURCE SEPARATION OF ORGANIC MATERIALS.

There is significant scope to learn from other Councils outside SEQ who are ahead on the organics collection journey

With a more progressed rollout of organics collections services in many jurisdictions in Australia, there is a wealth of available knowledge on how to design and implement effective and successful organics collection services. The most in-depth of these is a guide developed by the Metropolitan Waste and Resource Recovery Group³⁰, which draws recommendations based on contributions from 46 participating Councils who have rolled out FOGO schemes, Swinburne University, and independent social research on community attitudes.

In this section, the recommendations set out in this guide and several others³¹ are summarised for core service design choices, along with actions to mitigate risks to performance and uptake.

Organics collection service design choices

Table 2, below summarises core design choices for organics collection services and the recommended option, based on the experience of other Councils in Australia.

Table 2

Design Choice	Options; (with recommended option in bold)	Rationale
Types of food waste allowed in the bin	All food waste including meat, bones, dairy, plate scrapings and fruit and vegetable scraps All food (as above) and pet wastes Fruit and vegetable scraps only (no bones, meat or dairy)	Higher diversion rates achieved Research has shown there is no difference in odour levels between garden organics bins containing food scraps and residual waste bins containing food scraps. Proteins are also one of the bigger cause of issues in landfill, in terms of biological hazards in leachate and vermin
Rollout	Compulsory/Universal, limited opt-out Universal with opt-out Universal with opt-out or limited exclusions Voluntary	Higher diversion rates, lower cost per household, and more straight forward for Councils to administer
Collection frequency	Weekly, with general waste fortnightly Weekly, with no change to general waste Fortnightly, with no change to general waste	Responds to concerns about restricted garbage bin capacity and unsorted waste rotting in a FOGO bin for two weeks Fortnightly general waste collection keeps costs down
Provision of kitchen caddies and compostable bags/liners	Supplied on opt-in basis and delivered Supplied and delivered to every resident Supplied and can be collected at Council Not provided	Most Councils with a FOGO service have found that the highest levels of on-going participation and food diversion are achieved by providing a kitchen 'caddy' (a small tub with a handle that can be kept in food preparation areas for food scraps collection) and/or compostable bags/bin liners

³⁰ A guide for local government; Introducing a kerbside food and garden organics service, Metropolitan Waste and Resource Recovery Group

³¹ Valuing our Food Waste, Green Industries SA; Inquiry into Recycling and Waste Management, Parliament of Victoria;

ACTIONS TO MITIGATE RISKS TO PERFORMANCE AND UPTAKE

There are three core challenges identified in rolling out a kerbside organics collection service, and actions to overcome each are described in this section:

- The change in behaviour needed
- Additional volumes of garden materials that can be placed in organic waste bins and
- Contamination issues.

To address the change in behaviour needed, three actions are identified:

- Messages about 'how to FOGO' need to be simple and consistent
- People need sustained (multi-year) education and communication, tailored for target groups (e.g. students, non-residents, tourists, people from culturally and linguistically diverse backgrounds)
- Bin lid colours that meet the Australian Standard, AS 4123.7 (dark green bins with light green lid for FOGO/GO) make it easier for people to know what to put in which bin and enable cross-Council communication efforts.

Municipalities deploying FOGO find that the convenience of a new green bin increases the amount of garden waste householders dispose of, increasing volumes that need to be collected. This impact can be mitigated through actions such as encouraging residents to home-compost, rolling out food waste reduction programs (e.g. Love Food, Hate Waste) or promoting low waste gardening practices.

Contamination of FOGO with metal, plastics or glass creates treatment difficulties. Three actions successfully combat FOGO contamination. Using a collections contractor that has systems in place for detecting contamination and linking contaminant to source locations (e.g. on-vehicle cameras and GPS systems can be used to pinpoint sources of contamination) allows contaminating households to be actively managed. Identifying sources of contamination enables compliance programs that remind residents found with contaminated bins to keep materials clean. These measures are supported by engaging a FOGO processing contractor with systems and equipment in place to manage contamination.

ALL OPTIONS FOR ORGANICS RECOVERY WILL COST COUNCILS MORE THAN SENDING THE SAME WASTE TO LANDFILL, EVEN ASSUMING REBATE REMOVED

In order to develop a recommendation on the 2030 target state organics collection service in SEQ, a model was developed to calculate costs and benefits from different options. This model considers the incremental cost, relative to current costs, of different organics collection service options at a non-rebated \$95 levy price point.

The outputs from this model are presented in Exhibit 15, below. Major assumptions to develop the model are summarised in Appendix 1; these inform

- **Tonnage of material diverted**, considering service penetration, sorting behaviour, impacts on self-haul behaviour and additional garden organics tonnes 'created' by supplying bins
- **System cost**, considering additional collections costs driven by collections frequency, cost per bin lift, mix of processing technologies used and the gate rate to use them, and cost savings in general waste collections from landfill costs and levy saved, reduced general waste collection frequency and reduced general waste bin yield.

Costs and benefits of options for SEQ organics collection, based on 18'-19' baseline

	Diversion rate impact (pp)	Incremental cost versus today with \$95 non-rebated levy (\$m pa)	Incremental cost per household (\$/hh pa)	Incremental cost per incremental tonne of landfill avoided (\$/t)
① Expand GO only; general waste frequency unchanged	5%	19-33	17 - 30	197 - 339
② Retire GO, introduce FO; general waste frequency unchanged	7%	64-109	59 - 100	525 - 894
③A Expand to FOGO; general waste frequency unchanged	10%	74-139	68 - 127	417 - 780
③B Expand to FOGO; general waste frequency reduced to fortnightly	10%	38-85	35 - 78	215 - 477
④ Expand GO and introduce FO; general waste frequency unchanged	12%	86-141	78 - 130	392 - 647

Modelling suggested that the optimal organics collection option for SEQ is option **3B: Expand to FOGO; general waste** reduce to fortnightly. This option delivers the second highest diversion rate at the second lowest incremental cost.

IN-VESSEL COMPOSTING IS THE MOST LIKELY PROCESSING TECHNOLOGY TO BE SUITABLE, WITH THE BENEFIT OF EFFICIENT SCALE ACHIEVE AT LOW THROUGHPUT

Four technologies are available for the processing of organic materials: mulch, open windrow composting, in vessel composting and anaerobic digestion. Each have application for different kinds of organic material, costs and trade-offs discussed further in this section.

Exhibit 16 illustrates the differences in materials that can be processed, capital cost per tonne of material processed per annum, and range of gate fees per tonne processed, between the technologies. Of the technologies available mulch is only suitable for garden organics, and open windrow composting introduces significant odour issues if used to process food waste.

Exhibit 16³³

Comparison of processing costs of organics waste treatment

Product	Suitable organic material	Capital cost \$/tonne	Gate fee \$/tonne
Mulch	Mulch Garden organics	20-30	10-30
Open windrow composting	Compost Garden organics FOGO ¹	100-140	50-100
In-vessel compost	Compost Garden organics FOGO Food organics	250-320	90-200
Anaerobic digestion	Biogas (high methane content) and nutrient rich digestate FOGO Food organics	225-500	100-250

32 DES local government waste survey. Queensland Waste Transport Economics report (ARCADIS), Economic opportunities for the Queensland waste industry: final report (QTC), data directly from Sustainability Victoria, FOGO OR NOT TO (wasteMINZ), expert interviews. See appendix 1 for detailed assumptions

33 Guide to Biological Recovery of Organic (Sustainability Victoria), data directly from Sustainability Victoria, FOGO OR NOT TO (wasteMINZ), Queensland Waste Transport Economics report (ARCADIS), Economic opportunities for the Queensland waste industry: final report (QTC)

Considerations in addition to cost and suitable organic material are also present. Mulch is a lower value use that requires a large land area. Open windrow composting also requires a large land area, and can create significant odour issues where there are surrounding residents. Where forced aeration is used in vessel composting can be energy intensive. Anaerobic digestion (AD) is sensitive to feedstock mix and there is limited experience in treating household waste with AD in Australia.

With these factors considered, in-vessel composting (IVC) is anticipated to be the most likely processing choice in SEQ, and hence economic considerations of this technology are explored further, below. It is noted that in practice, it is anticipated that the market will choose the lowest cost processing technology that can meet the standards and requirements set by Councils, rather than Councils dictating technology. Nevertheless, for long-term planning processes its helpful to begin to understand what the future infrastructure footprint could look like.

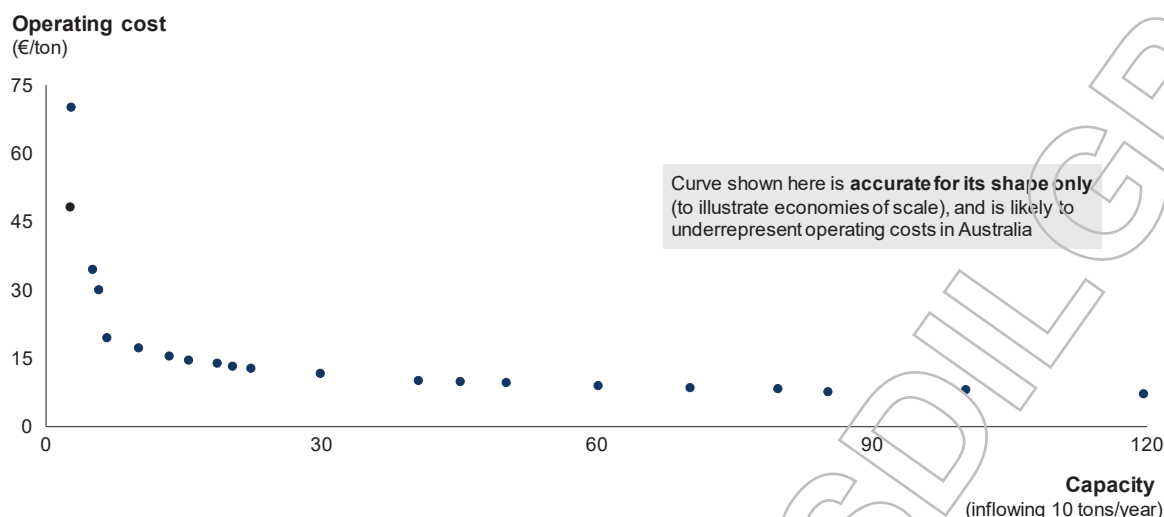
In terms of infrastructure footprint, IVC technology has a number of features which make local, smaller scale solutions preferable:

- Available evidence suggests that IVC facilities cease accruing substantial economies of scale per tonne of waste processed after they reach ~20-30ktpa throughput per year, as illustrated in Exhibit 17
- Capex costs are comparatively low, with one facility costing 20 – 40 m³⁴ to construct

These two features together allow for multiple small scale facilities which minimise transport and collections cost, which is by far the largest cost component for waste services. Based on forward estimates of FOGO volumes, at a size threshold of 20ktpa, all Councils would be able to partner with one other Council to achieve the minimum scale. In practice, this equates to eight to 13 IVC facilities by 2030, depending on organics collections recovery performance.



Operating costs of European in vessel composting facilities



SECONDARY MARKETS FOR COMPOST IN SEQ ARE LIKELY LARGE ENOUGH TO ABSORB NEW SUPPLY OVER TIME, AND WOULD BENEFIT FROM MARKET DEVELOPMENT SUPPORT AS FOGO SCHEMES ARE ROLLED OUT

This section addresses two factors relevant for secondary markets for FOGO-derived compost in SEQ; how large the market is today, relative to new supply which would be introduced, and actions Councils can take to support stable and efficient market development.

Best estimates of the total size of the organic reprocessing market in SEQ today is ~990ktpa, of which manufactured soil (554ktpa) and soil conditioner (175ktpa) are feasible segments in which FOGO-generated compost products could be sold³⁶. By way of comparison of scale, conversion of total SEQ forecast collected FOGO into compost would generate ~45ktpa of new supply into the market, assuming a 30% conversion rate³⁷. Whilst significant, with these relative quantities in mind, it is reasonable to expect that local markets could absorb the new supply over time.

There are a number of actions Councils can take to support stable and efficient secondary markets for compost:

- Provide a purchase guarantee for part of the product stream for landscaping of public spaces such as parks and playing fields, and encourage other government actors to buy product (e.g. schools)
- Developing stronger quality specifications to support buyer confidence, for example by requiring outputs are compliant with AS4454 for composts, soil conditioners and mulches

- Proactively monitor developments in legislation and standards for PFAS/PFOS, microplastics or other contaminants, and work with processing operators to manage issues, where required.

Specifically, in relation to contamination, PFAS/PFOS and microplastics are known contaminants that may occur in materials produced from food and garden organic materials. These materials have been subject to detailed risk assessment in Europe and by the NSW EPA^{38,39}.

The risk assessments identify circumstances where contaminants may be of concern and where contaminants may concentrate within the environment. Materials sourced from biosolids (sewage) and waste streams with high levels of contaminants, such as contaminated land or abattoir waste, can be a source.

By contrast, compost produced solely from food organics and garden organics has not been found to have levels of PFAS of concern. In the absence of standards or regulation, PFAS appears not to be a concern in FOGO derived compost, provided it is not made on contaminated soil and is used for non-food producing purposes. Continuing to monitor this space will remain important, as knowledge and waste streams continue to evolve.

35 Konstantinia Tsilemou, Approximate cost functions for solid waste treatment facilities, 2006, expert interviews

36 DES annual survey data, NSW EPA, NSW Organics Market Analysis Feb 2020, Growing markets for quality organics products

37 Mass balance in different types of composting facility, Zhang and Matsuto, Oct 2010

38 Digestate and compost as fertilisers: Risk assessment and risk management options, Final Report, European Commission 2019

39 <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/recycling/mixed-waste-technical-committee-report.pdf>

B) IMPLICATIONS

Organics recovery in SEQ is a 'must do' given it provides the single biggest lever on landfill diversion, has significant greenhouse gas benefits and creates jobs.

However, the establishment of a dedicated organics waste stream will create a true incremental cost burden, over and above levy price path – which means that it is critical to choose efficient/ lower cost solutions and to resolve 'who pays'. Councils will need to decide whether to pass on costs to rate payers, absorb additional costs, seek levy funding, or a combination of all three.

Councils will need to pull every lever they can to help rate payers make the big shift to FOGO, with a great deal of benefit from collaboration on behaviour change, for example through a single SEQ set of FOGO rules. Thoughtful Council interventions and planning can help with smoothing the path to an efficient and stable compost market.

C) OPTIONS CONSIDERED

This section sets out the key decision areas relevant to the organics waste stream, and the options considered in each decision area. A summary of this is provided in Exhibit 18 below, with further detail on each of the key decision areas provided in the text that follows.



OPTIONS CONSIDERED; COMINGLED WASTE STREAM, TARGET 2030 END STATE

Decision area	Options	Majority Target End State	Rationale
Priority of focus on organics waste stream	Not a priority focus	priority focus	Biggest lever available for landfill diversion; biggest impact on greenhouse gas emissions; favourable secondary market conditions
Point of organics separation (source/ downstream)	Downstream separation (by MRF)	Upstream separation (by household)	Best alignment with Waste Hierarchy; dominant model emerging locally and globally
Waste stream composition	Garden organics only Food organics only All garden organics and some food organics	All food and garden organics	Enables greatest diversion impact; most efficient cost per diverted tonne; evidence from Victoria that this is the best model for household compliance.
Collections frequency	Weekly organics, weekly general waste	Weekly organics, fortnightly general waste	Most cost effective for rate payers; bin composition data suggests residual waste volumes should be too low for weekly collection once organics & recycling diversion optimised
Mandatory or optional	Opt in Opt out	Mandatory	Biggest diversion impact; strong precedent in SA, WA, Vic; may transition to this over time
Processing technology	Mulch Open Windrow In vessel composting Anaerobic Digestion Emerging technologies		Allowing the market to decide will provide most cost effective solution, likely to be a mix of technologies: AD not well suited to GO stream; open windrow not appropriate in urban areas
Infrastructure ownership	Private (market) ownership Council owned, privately operated Council owned and operated		Not assessed –decision for future consideration
Regional coverage	Full coverage	Very low population density areas excluded	Extra pollution from collections transport could outweigh environmental benefits in low density areas; opportunity in these areas to focus on home composting/carbon capture
Posture on secondary markets	Limited intervention Moderate level of support and intervention High level of support & intervention		Existing secondary markets are large so should not require too much intervention; key is to ensure standards are clear & consistently met; State/ councils could also guarantee demand
Approach to behavior change	Limited focus Priority focus –at individual council level Priority focus – leveraging COMSEQ scale (consistent)		Transition is hard for households; evidence suggests sustained and targeted education programs required + provision of enabling infrastructure

PRIORITY OF FOCUS ON ORGANICS WASTE STREAM

Bin audit information suggests that currently, up to 50% of general kerbside waste collected is organic waste. Organic waste is one of the biggest drivers of greenhouse gas emissions from landfill, but can be converted into a re-usable product (e.g. mulch or compost) for which there is likely secondary market demand in SEQ.

For these reasons, at the aggregate CoMSEQ level this waste stream is considered a high priority for its potential to contribute both to landfill reduction, emissions reduction and job creation/economic development. It is noted for very low population density areas this is not a priority, as the relative cost and emissions from additional collections can outweigh the benefits of diversion. In these areas, the focus may be better placed on optimised landfill methane capture instead.

POINT OF ORGANICS SEPARATION

A fundamental design choice is required as to whether separation of organic waste is undertaken upstream (at the household level), or downstream (through dedicated sorting infrastructure such as a 'dirty MRF' or mechanical biological treatment (MBT)). Although technology for downstream processing is advanced, upstream sorting by households is more closely aligned with the principles of the Waste Hierarchy. Without upstream sorting, contamination of organics from other materials in general waste limits the type of application to energy recovery, as opposed to higher order recycling into mulch and compost products.

For these reasons the option of upstream sorting is selected.

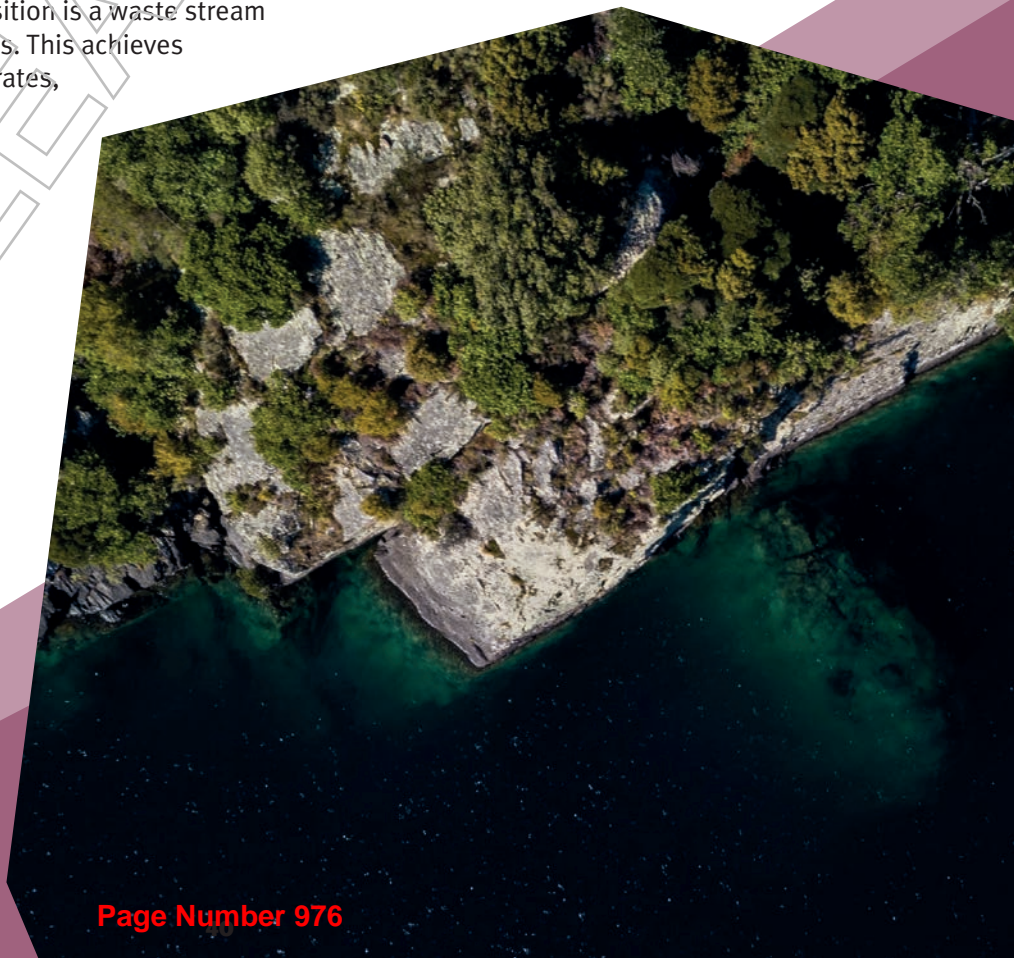
WASTE STREAM COMPOSITION

As described in Exhibit 18, there are multiple options for the composition of a kerbside organic waste stream: from garden organics only, to food organics only, or to a combination of garden and some food organics (for example, excluding proteins), or incorporating all garden and food organics.

The choice of waste stream composition impacts on processing choices available. Mulching, which is a very cheap form of processing, is suitable only for garden organics. Anaerobic digestion is effective for food organics, but does not cope well with a high share of fibrous garden matter. Composting (open windrow, or in-vessel), is appropriate for combination of food and garden matter, but open windrow composting can have extreme odour management issues.

These choices have been explored at length in other jurisdictions, and evidence suggests that the optimal end-state composition is a waste stream comprised of all food and all garden organics. This achieves the best trade-offs across landfill diversion rates, costs to provide the service, and household acceptance/compliance.

For these reasons the option of 'all food and garden organics' is selected.



COLLECTIONS FREQUENCY

Many Councils currently have an opt-in organics bin that accepts garden waste only and is collected fortnightly. As this shifts to an organics bin that also accepts food waste, a decision is required as to whether fortnightly collection is still appropriate. Particularly in the South East Queensland climate, it is widely accepted that organic food waste needs to be collected weekly. Additionally, given that organic waste currently makes up to 50% of the matter in general waste bins, there is opportunity to consider whether general waste bins will still contain sufficient volume to justify weekly collection after the introduction of a food organics service.

Analysis of waste stream quantity and system costs suggests that shifting to a weekly organics collection and fortnightly general waste collection would provide the most cost effective outcome together with meaningful progress towards target diversion rates, and therefore be a desirable end state. However, it is acknowledged that this would represent a significant shift for households, and might be a transition that takes time. The specific South East Queensland climate conditions also need to be taken into account, acknowledging that some organic matter will likely always remain in the general waste bin, causing some odour issues in the case of fortnightly collections.

Across Australia, there is no single consistent approach emerging. Councils in NSW take a range of approaches to general waste bin collection, with some continuing to collect weekly and others moving to a fortnightly collection. South Australia has introduced legislative requirements ensuring weekly general waste bin collection. Western Australian Councils trialling FOGO are encouraged to collect general waste bin contents fortnightly instead of weekly.

Accordingly, across the options considered in Exhibit 18, the 2030 target end state option selected is FOGO collection weekly and general waste collection on a fortnightly, while acknowledging that trials/pilots will likely be critical to shape the transition path and ultimately inform the 2030 target state.

MANDATORY OR OPTIONAL?

To date, most Councils that operate an organics kerbside collection service do so on an 'opt in' basis. This has enabled a user-pays approach, and results in lower rates of contamination. With a view towards the landfill diversion objectives set by the State, it is clear that more widespread adoption will be required.

While there may be a significant period of transition, it is recommended that the 2030 target state for CoMSEQ is for mandatory roll-out of organic waste kerbside collection, rather than opt in or opt out systems.

PROCESSING TECHNOLOGY

As defined in Exhibit 18, there are currently four types of organic processing that are widely employed (mulch, open windrow or in-vessel composting, and anaerobic digestion). Both forms of composting are suitable for combined food/garden waste streams, while mulch is appropriate only for garden organics, and anaerobic digestion is best suited to food waste streams only, and performs better when MSW food waste is combined with a more consistent feedstock from C&I sources.

Importantly, the efficient operating scale for mulching and composting is relatively small, meaning that there is scope for each Council to pursue its own choice of solution either alone, or in conjunction with a single other Council. While the market can therefore be allowed to decide on the technology solution, it is anticipated that in-vessel composting is likely to be the dominant processing technology that emerges.

INFRASTRUCTURE OWNERSHIP

Given that Councils will be a dominant (potentially sole) supplier to organic waste processing facilities, the potential exists to explore an ownership or insourcing model for processing facilities, leveraging the potentially lower cost of capital available to Councils, and eliminating third-party margin, to reduce the total system cost to ratepayers. The attractiveness of this option versus market alternatives has not been considered in depth but would require consideration as part of the detailed business case development.

REGIONAL COVERAGE

As described above, in very low population density areas the additional costs and emissions involved in introducing an additional round of bin collections could offset the environmental benefits achieved. In such areas, a better approach may be to encourage higher adoption of home composting, and investment in optimised landfill methane gas capture technologies to achieve the best mix of environmental and economic outcomes.

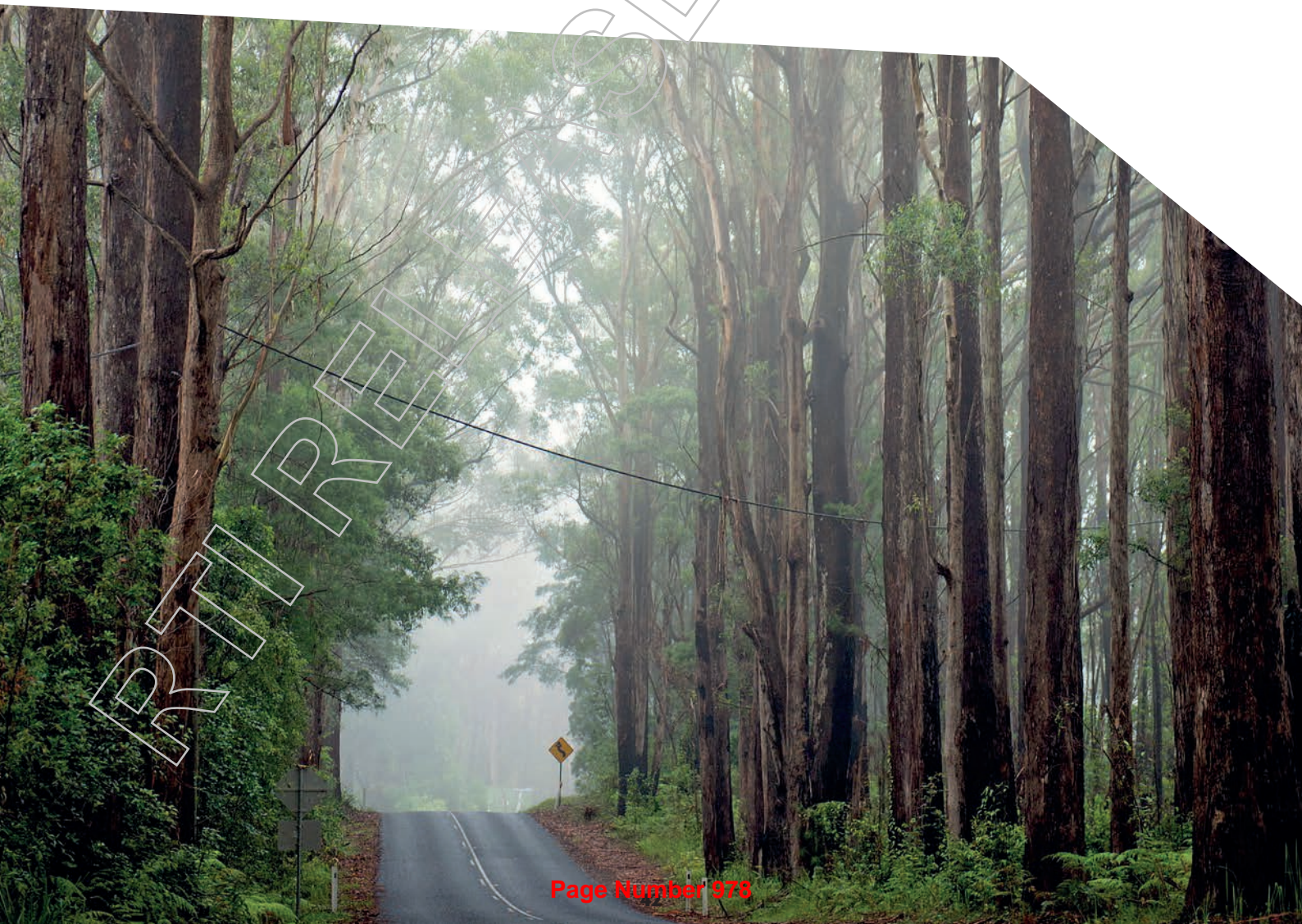
POSTURE ON SECONDARY MARKETS

Given the size of the compost market in South East Queensland, relative to the scale of compost that would be produced from the CoMSEQ organics waste stream, it is anticipated that market demand for the product produced is unlikely to be a problem. Accordingly, creation of secondary markets for composted materials may not need to be a significant priority for CoMSEQ (in contrast to the comingled recycling stream, where secondary market stimulation is critical).

One area where collaboration and effort may be required is in setting and monitoring against standards of compost produced, ensuring that there are no issues relating to contamination (e.g. PFAS or microplastics). It is anticipated as a minimum that the compost produced would be recommended for use only for non-food producing purposes. Other standards may also need to be adopted, in close collaboration with the State.

APPROACH TO BEHAVIOUR CHANGE

Evidence suggests that the introduction of a combined food and organics kerbside collection service represents a significant shift for households, who need to start sorting their waste 'in the kitchen'. This process takes time, sustained and culturally adapted/targeted education and nudges, and tactical support, such as the provision of kitchen caddies, and compostable bin bags. Work with industry is also important – for example, ideas have been raised around collaboration with major retailers like Woolworths and Coles to shift to compostable fruit and vegetable bags in store, which is believed will make a significant impact on contamination rates.



D) RECOMMENDATIONS

With the above taken into account, there are five recommendations on Organics:

1. Rollout evidence-based behaviour change campaigns to both reduce food waste and enable use of GO/FOGO bins, seeking to keep consistent message and branding but with scope to tailor for local context
2. Collaborate to support stable and efficient markets for compost
 - Ensure high quality outputs (i.e. set standards, but don't dictate technology) and require appropriate monitoring program for PFAS, microplastics and other potential contaminants in line with State regulations
 - Support local operators by buying recycled mulch/compost products, and encourage other government agencies to buy product (e.g. transport)
3. Collaborate with the State to work with private sector (e.g. NRA, Coles, Woolworths) to adopt product stewardship changes to improve organics recovery (i.e. compostable veggie bags default in supermarkets)
4. Move towards a consistent organics recovery bin system by 2030, in a way that is coordinated and provides flexibility in timing and transition pathway
 - Align on definition of FOGO 2030 target state in SEQ, ultimately with FOGO collection weekly, general waste weekly or fortnightly, and inclusion of all plant and food waste
 - Move towards 2030 target state either directly from current state or first by rolling out a GO service or GO+ service
 - Make the transition as fast as reasonably practicable; 1-2 frontrunner Councils will pilot and roll out within next 12 months, other Councils follow
 - Systematically share lessons learned from frontrunners and pilots to enable ongoing optimisation of approach

Caveats

Very low population density will reduce economic feasibility and environmental benefits. Councils, or select areas (rural or island) within Councils may choose not to offer a FOGO service

One Council has a preference to explore alternative/emerging technologies that may require organics remaining in the general waste bin

5. Collaborate to procure market-led solutions for organics processing services at an efficient scale, located to minimise transport costs
 - If the market nominates IVC technology as the lowest cost solution, Councils should collaborate with 1-2 neighbours for facilities > 20ktpa in scale; this implies ~8-13 facilities for SEQ by 2030
 - As part of business case development, consider ownership structure for infrastructure, including option for Council ownership



E) 2030 PROJECTED OUTCOMES FROM ORGANICS RECOMMENDATIONS

Projected outcomes from organics recommendations are summarised in Table 3, below;

Table 3: 2030 Projected outcomes from organics recommendations

Outcome area	Estimated 2030 impact	Notes on method and inclusions
Landfill diversion rate impact	11% improvement versus 2018-19 baseline	Expert interviews and Australian analysis
Economic development outcomes	220 permanent jobs created 300-400 jobs during construction	Estimate of capital jobs created using Queensland Treasury standard multipliers
System operating cost	\$50 – \$110 m pa increase in system operating cost	Expert interviews and Australian analysis
Up front, one off transition costs	\$185 – \$240 m	Hypothecation of global cost estimates to Australia



6. Residual

'General waste' refers to materials which are placed in the general waste kerbside bin. A proportion of this waste is termed 'residual'; this is the portion of waste for which recovery through the comingled recycling stream or organics stream is not possible.

This chapter steps through the facts, considerations and implications which shape the recommended actions for CoMSEQ to move towards the 2030 target state for residual waste. Each of these is discussed in turn:

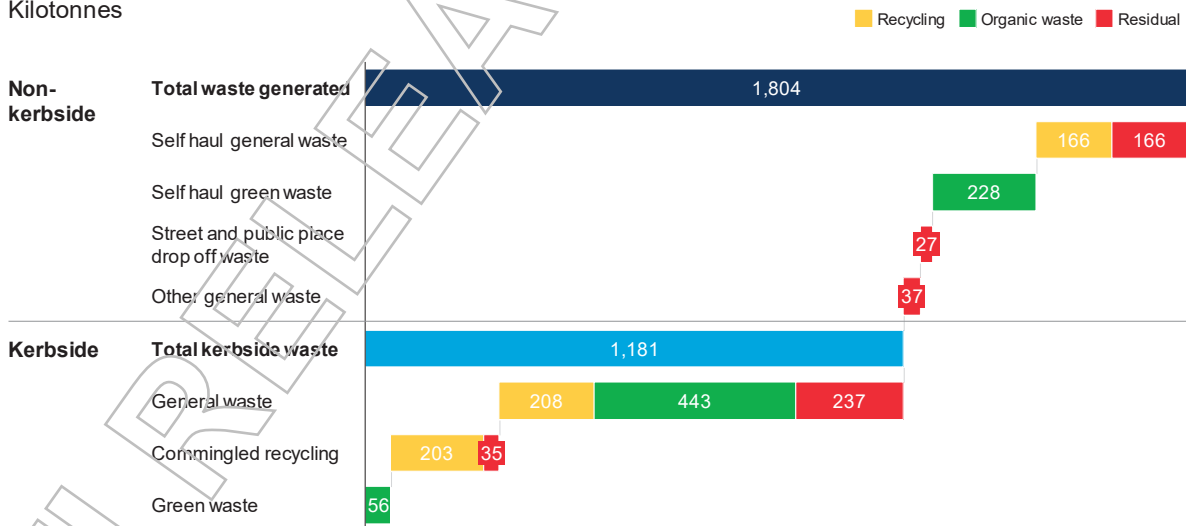
- a) An overview of the waste stream dynamics
- b) Assessment of implications for CoMSEQ Councils
- c) Options considered
- d) Recommendations to move towards a 2030 target state
- e) Impacts of recommendations on progress compared to State targets, economic development outcomes and operating economics.

Exhibit 19 shows the size of the general waste stream for SEQ Councils together, and its component parts based on compositional data. 'Residual' waste is shown in red.

Exhibit 19⁴⁰

Municipal waste generated in SEQ by type 2018-19

Kilotonnes



⁴⁰ DES Local Government Waste Survey 18-19, 13 sets of SEQ compositional waste audits (>25k bins). The data used in this chart is subject to several data limitations including survey methodology (self-reported by councils), sub-optimal equipment (no weighbridges) in some locations, and variable methods and definitions in measuring waste. Composition of self-haul waste (recycling and residual materials) is not clear in DES data, shown here notionally as 50/50 split.

A) OVERVIEW OF RESIDUAL WASTE STREAM DYNAMICS

The residual waste stream for MSW in South East Queensland is shaped by seven factors, which are explored in more detail in the sections that follow:

- The Queensland Waste Management and Resource Recovery Strategy envisages a rapid ramp up in higher-order residual waste processing such as Thermal EfW, but also compliance with waste hierarchy principles that discourages thermal treatment of waste that is recyclable or compostable
- Landfill capacity in SEQ is not constrained, providing time and optionality for consideration of how residual waste is best handled
- If higher-order processing facilities are to be developed in the next 5-10 years, Thermal EfW is most likely candidate of the technology options available and in development
- There is strong policy support for EfW across Australia, although with some outliers, and some community concerns on social license
- The environmental, cost and economic development case for Thermal EfW is not clear cut
- Deal structures for EfW infrastructure are complex and have long lead times
- The scale of processing capacity required in South East Queensland to achieve the targets set by the Queensland Waste Management and Resource Recovery Strategy, for the combined MSW and C&I waste streams is 1 million tonnes by 2030 and 1.7 million tonnes by 2050, indicating a requirements for ~4 facilities by 2030, and an additional 1-2 by 2050

Each of these is discussed in turn.



THE QUEENSLAND WASTE MANAGEMENT AND RESOURCE RECOVERY STRATEGY ENVISAGES A RAPID RAMP UP IN RESIDUAL WASTE TREATMENT, BUT ALSO COMPLIANCE WITH WASTE HIERARCHY PRINCIPLES

Higher-value treatment of residual is a key part of Queensland’s Waste Management and Resource Recovery Strategy, with the target glide path suggesting that ~10% of residual should be processed by 2025, increasing to ~80% by 2050. Given this, it is clear that the State intends for residual processing to be a core part of Queensland’s waste management system over the long term, in preference to landfill.

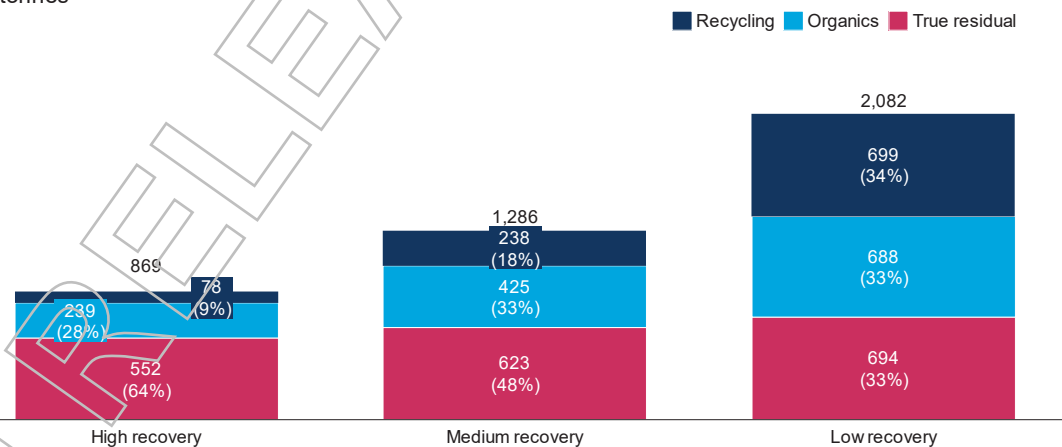
However, the Queensland Government Waste Management and Resource Recovery Strategy also endorses the globally recognised waste hierarchy, and intends that waste management systems are developed in accordance with this hierarchy. The waste hierarchy requires first that waste is avoided and reduced. If that is not possible then waste materials should be reused. If materials cannot be reused they should be recycled or composted. Residual material should have energy recovered, and finally if no other option is available residual may be disposed of. What this means from a practical perspective is that before a waste stream can be processed as residual waste, it needs to be a true residual waste stream, with all reasonable efforts undertaken to remove from it recyclable and organic content.

Exhibit 20 shows estimated percentage and tonnes of the municipal general waste stream by 2050 under three scenarios: ‘high recovery’, ‘medium recovery’ and ‘low recovery’ (where recovery refers to recovery of recyclable and organics materials from the general waste stream). As this analysis shows, in a low recovery scenario, the volume of residual MSW waste in 2050 could be up to 2.4 times higher than in a high recovery scenario, and up to two thirds of the stream would be recyclable in nature. This indicates the criticality of optimising the residual waste stream before moving into residual processing, and certainly before making choices about the 2030 target state processing capacity required.

Exhibit 20⁴¹

Waste types in residual stream in 2050 under waste scenarios

Kilotonnes



41 DES local government waste survey 18-19, infrastructure report consolidated data, individual data from councils. High recovery assumes: MSW generation per capita declines in line with state targets; C&I constant at 2019 levels, C&I recovery rate increases in line with state targets, the proportion of total recyclable material placed in recycling bin is uplifted to SA levels (72%) by 2030 and Victoria’s level by 2050 (80%), Proportion of organic waste removed from the red bin is 40% of food, 80% of garden organics by 2030 with a FOGO bin penetration of 80%, ABS medium population growth. Medium recovery assumes MSW generation per capita declines 50% of the way to state targets; C&I constant at 2019 levels, C&I recovery rate increases 50% of the way to state targets, the proportion of total recyclable material placed in recycling bin is uplifted to SA levels (72%) by 2035, constant thereafter, proportion of organic waste removed from the red bin is 40% of food, 80% of garden organics by 2030 with a FOGO bin penetration of 40%, ABS medium population growth. Low recovery assumes: MSW and C&I generation per capita remain constant at 2019 levels, C&I recovery rate remains at 2019 levels, the proportion of total recyclable material placed in recycling bin remains constant at current levels (~49%), no change versus today on organics recovery, ABS medium population growth

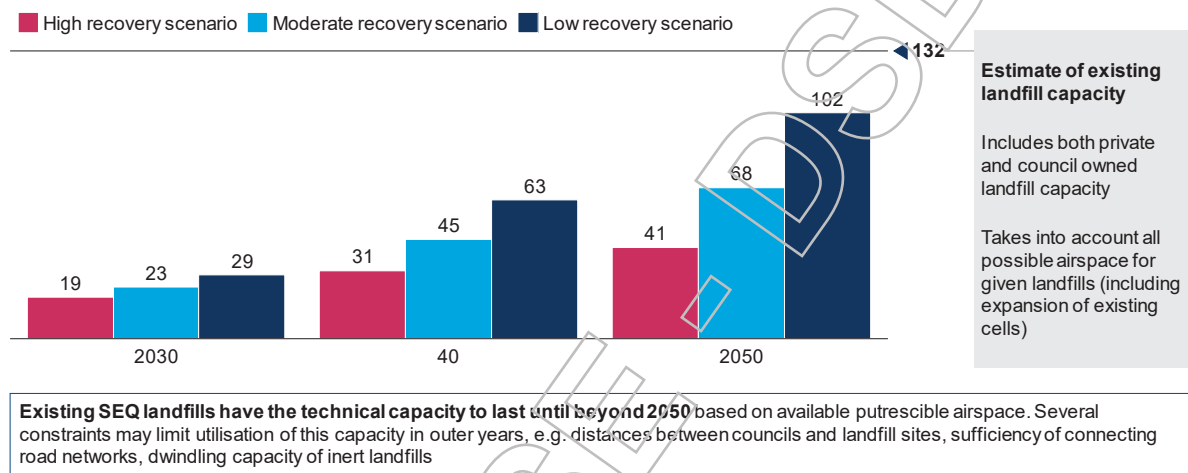
LANDFILL CAPACITY IN SEQ IS NOT CONSTRAINED, PROVIDING TIME AND OPTIONALITY

Unlike many cities globally, constrained landfill capacity is not a challenge SEQ currently faces at the aggregate level. This provides both time and optionality to explore other alternatives to landfill for managing residual. Exhibit 24 shows the estimated landfill capacity available in South East Queensland, indicating that even under a 'low recovery' scenario landfill is not a binding constraint for SEQ as a whole beyond 2050. While this is true at the aggregate level, it is not true for individual Councils – some Councils will reach capacity before 2050. These Councils will need to decide whether to move their waste to other private or government owned landfills across the SEQ region, or move the majority of the volume to higher order processing such as Thermal EfW.

Exhibit 21⁴²

Cumulative tonnage added to SEQ putrescible landfill 2030-2050

Millions of tonnes



If residual processing facilities are developed in the next 5-10 years, Thermal EfW is most likely candidate of technology options available and in development

There are a range of energy generation technologies for the treatment of residual waste, at various states of commercialisation globally. The three technologies that are most developed are:

1. Incineration (non-constricted supply of oxygen, at least 850°C)
2. Gasification (limited supply of oxygen, 650°C)
3. Pyrolysis (absence of oxygen, heat treated at between 400 and 1000°C).

Although anaerobic digestion (AD) is classified as an 'energy-from-waste' technology, it is considered instead in the Organics section of this report, as it is a technology that applies to organic or biodegradable waste rather than residual waste⁴³.

The Table 4 below gives a comparison of key characteristics across each of the three energy-from-waste options, drawing on expert analysis conducted by Ranieri, L; Mossa, G.; Pellegrino, R; Digiesi, S. in 'Energy recovery from the organic fraction of municipal solid waste: A real options-based facility assessment. Sustainability 2018' and from Perrot, P; Subiantoro, A. in 'Municipal waste management strategy review and energy-from-waste potentials in New Zealand'. Sustainability 2018.

⁴² References as for exhibit 20

⁴³ Ranieri, L; Mossa, G.; Pellegrino, R; Digiesi, S. Energy recovery from the organic fraction of municipal solid waste: A real options-based facility assessment. Sustainability 2018, 10, 368.

Table 4: Key metric comparison table⁴⁴

	Incineration	Gasification	Pyrolysis
Air pollution	Most air pollution of options due to large oxygen supply in combustion process which produces largest amount of CO ₂ . This option also produces polluting metals, dioxins and toxic gases harmful for human and environment health. The levels of pollution have however decreased in the past few years due to stricter rules imposed by governments and technological advances.	Medium air pollution due to limited oxygen being used in process creating some CO ₂	Best option for air pollution as no oxygen used in process therefore minimal CO ₂ released
Cost	Least expensive to build of the three options as technology is proven and commercially viable	More expensive than incineration	Most expensive of the three options, in part because less proven at commercial scale
Side products	Metals, bottom ash (can be used in road bases)	Minimal side products (syngas along with minimal ash)	Largest amount of side products with potential commercial use (unconverted carbon, charcoal, ash, pyrolysis oil, syngas)
Capacity	1,500 ton/day	10-100 ton/day	10-100 ton/day
Maturity	Mature technology, many examples of commercial size plants throughout Europe.	Technology not proven in Australia for MSW, some commercial-scale examples internationally; less proven than incineration.	No at scale facilities in Australia; weakest track record globally for MSW at scale
Energy production efficiency	15-30%	30-40% (advanced gasification)	16-25%
Waste type	All types of residual waste effective as feedstock.	May be able to treat all types of residual waste but track record significantly limited. More susceptible to variations in composition than incineration. Biomass is an extremely suitable feedstock, but this cannibalises the waste hierarchy by not removing all organics for recycling	May be able to treat all types of residual waste but track record significantly limited. More susceptible to variations in composition than incineration. Biomass is an extremely suitable feedstock, but this cannibalises the waste hierarchy by not removing all organics for recycling

From the above assessment, and given momentum in Australia to date, thermal energy-from-waste technology (incineration) is the most likely candidate in SEQ given technology maturity, feedstock capacity constraints and current systems costs. However, future innovations in gasification, pyrolysis or other technologies should be monitored to ensure the solution aligns with relevant policies and objectives, and best available technology, at the time when investment decisions are made.

⁴⁴ Perrot, P; Subiantoro, A. Municipal waste management strategy review and energy-from-waste potentials in New Zealand. Sustainability 2018.

THERE IS STRONG POLICY SUPPORT FOR THERMAL EFW ACROSS AUSTRALIA, ALTHOUGH WITH SOME CONCERNS ON SOCIAL LICENSE

Queensland, most other states, and the Commonwealth have policy positions that encourage Thermal EfW as an alternative to landfill of the residual waste fraction. However, there is notable opposition at local and federal level (IRATE, Greens), and recently ACT has legislated against use of incineration, gasification and pyrolysis on waste streams.

There are some areas of Queensland Government's position on Thermal EfW is still being developed, including consideration of:

- Will the waste hierarchy be enforced, and if so, how will waste composition standards be set?
- Will the bottom ash generated by incineration be subject to the landfill levy?
- Will government provide support for a robust bottom ash solution (e.g. through approved use in road base)?

THE ENVIRONMENTAL, COST AND ECONOMIC DEVELOPMENT CASE FOR HIGHER PROCESSING OF RESIDUAL WASTE IS NOT CLEAR CUT

The environmental case is generally considered favourable, with some uncertainty.

In general, the current mainstream view is that Thermal EfW is environmentally preferable to landfill. For example, a review⁴⁵ of 15 Thermal EfW Life Cycle Assessments (LCA) concluded that Thermal EfW is better than landfill from a greenhouse gas (GHG) perspective.

There is some uncertainty related to landfill sequestered carbon, with more recent LCAs suggesting that when taking into account carbon sequestration, landfill may be more GHG friendly. Available studies vary in the landfill gas capture methodology used as a baseline for comparison, which can substantially change estimated GHG emissions from landfill.

In recent Australian LCAs the point of comparison used for emissions from energy production has been black coal, rather than renewables such as wind or solar. Likewise the comparison level for gas capture from landfill has been 49.6%, which is the current Australian average, rather than the current or projected performance of sites where the waste would otherwise be sent. This is the basis on which recent LCAs have concluded that Thermal EfW delivers superior environmental outcomes.

In general, across the three dimensions in which Thermal EfW has historically outperformed landfill from an environmental perspective, there is significant potential that current underlying trends could shift this balance in the opposite direction, over the lifetime of the asset:

- Grid energy production is getting cleaner – as renewable energy becomes cheaper than coal, and Queensland works towards its 2050 zero emissions target
- Energy from residual waste stream will get less clean – with a higher fossil fuel composition and lower organic/biogenic composition, as papers and organics are pulled out of the residual stream in line with the Waste Hierarchy
- Landfill emissions will fall – as organics are pulled out of the residual stream, and landfill emissions capture improves.

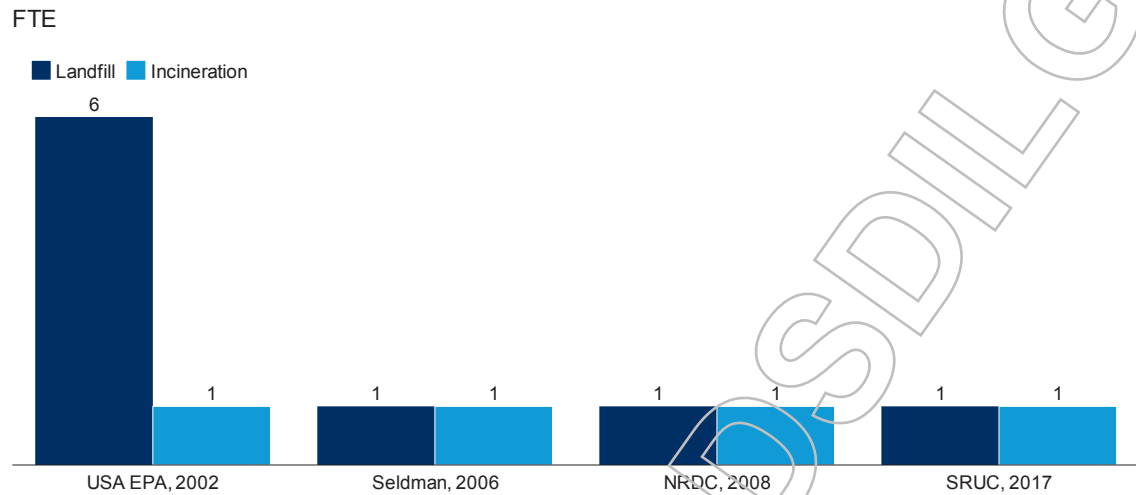
⁴⁵ Review of life-cycle environmental consequences of energy-from-waste solutions on the municipal solid waste management system, Journal of Resources, Conservation and Recycling 157 (2020); Estimation of global warming emissions in waste incineration and landfilling: An environmental forensic case study, Journal of Environmental Forensics (2019)

THE ECONOMIC DEVELOPMENT CASE IS LIKELY NEUTRAL

Direct permanent job creation from MSW incineration is likely similar to jobs lost from landfill. However, existing evidence is sparse, and dependent on the scale of facilities. Exhibit 22 compares permanent jobs generated from landfill with Thermal EfW facilities.

Exhibit 22⁴⁶

Jobs per 10,000 tonnes of waste processed by available study



The job creation of the Kwinana energy-from-waste plant in Western Australia is in line with this evidence, and projected to be ~60 jobs (1.5-1.7 per 10,000 tonnes¹) once fully operational

This analysis does not include temporary construction jobs, which will be substantial. The Queensland Government uses a 3.3x multiplier to estimate jobs created in capital construction, indicating an estimated 550 jobs created per year of construction of a \$500 million energy-from-waste facility. For the Kwinana plant, construction jobs are estimated at least 800 over the three year construction period.

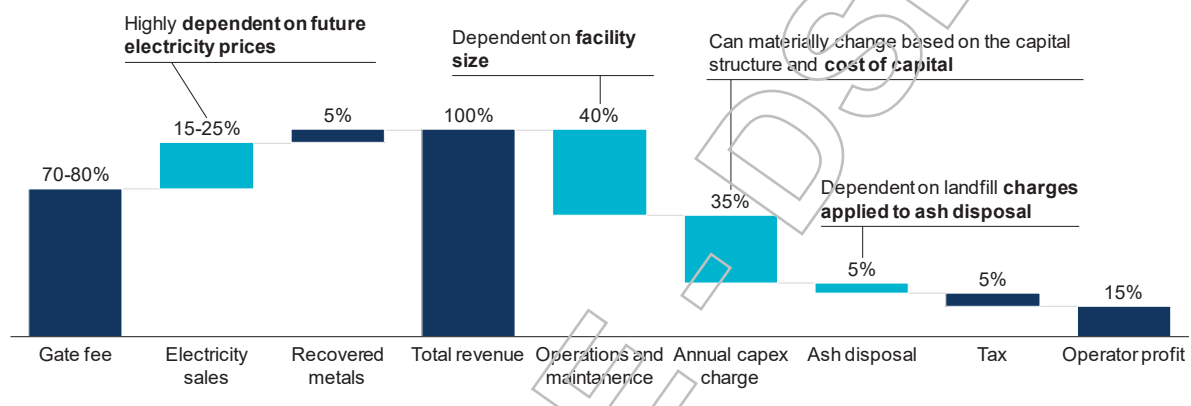
⁴⁶ Campaigning Against Waste (USA EPA, 2002), Recycling Means Business, Institute for Local Reliance, Waste to Wealth Program (Seldman, 2006), More Jobs, Less Pollution: Growing the Recycling Economy in the U.S (NRDC, 2008), Evidence review of the potential wider impacts of climate change Mitigation options: Agriculture, forestry, land use and waste sectors (Scottish Government, SRUC, 2017); Construction of Kwinana energy-from-waste plant to create 800 jobs (press release, Government of Western Australia). 1. Based on 90-100% utilisation

GATE FEES ARE LIKELY COMPARABLE BETWEEN LANDFILL AND THERMAL EFW, ALTHOUGH THERE IS POTENTIAL FOR SIGNIFICANT SAVINGS IF COUNCILS BECOME ASSET OWNERS

Based on available data and a landfill levy of \$95 (for 2025+), incineration gate fees are likely to be broadly similar to landfill, depending on key drivers of uncertainty in Queensland (ash disposal price, electricity prices, transport economics). Western Australia has incineration gate fees between \$120-150/t with estimates for South East Queensland higher at \$160-200/t – likely due in part to lower electricity prices in Queensland. This estimate is comparable to the \$135-175/t estimate of gate fees for landfill post 2025 when landfill levies are \$95/t. Exhibit 23 shows the elements of the gate fees for energy-from-waste facilities.

Exhibit 23⁴⁷

Approximate Thermal EfW facility revenues and costs



Gate fees make up 70-80% of revenue for a thermal waste to energy plant and are the major revenue lever that operators can pull to impact profitability, especially if sources of uncertainty (electricity price, charges for ash disposal) adversely impact their economics

It is worth noting however that a significant portion of the cost of Thermal EfW is driven by the capital intensity of the process, and the need for the investor to generate a return that sufficiently covers the cost of capital. In addition, the potential return needs to sufficiently reflect the risk associated with the investment over its 30-year lifespan. If Councils were able to access a significantly lower cost of capital than commercial providers, and/or have a different risk profile (for example, by being substantially vertically integrated), Councils may be able to achieve a significantly lower effective gate rate, to an extent that may make Thermal EfW cheaper than the landfill alternative, and transforming it into a source of economic value creation for Councils and ratepayers. To bring this to life very simplistically, on a typical Thermal EfW facility capital investment of \$650 million, every 1% differential in capital costs/profit margins that could be achieved by Councils would equate to a ~\$16.25 reduction in operating cost per tonne.

Infrastructure deals are complex and have long lead times, but returns to asset owners can be significant

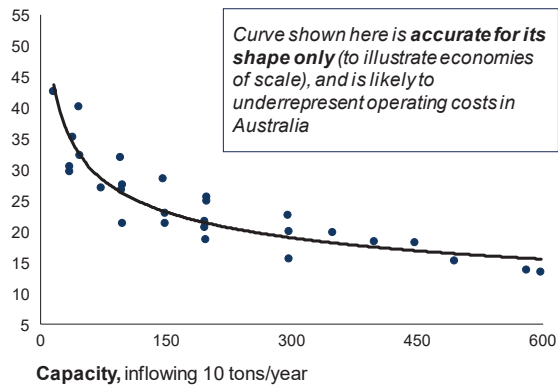
The large scale and capital cost of energy-from-waste facilities results from economies of scale that push plan sizes beyond 200ktpa. Exhibit 24 shows the cost curve and estimated capital expenditure required for energy-from-waste facilities in Australia.

Exhibit 24 Annual operating costs for energy-from-waste alongside capex budgets for current Australian projects

Annual operating costs for Thermal EfW alongside capex budgets for current Australian projects

Economies of scale push plants to sizes >200kt...

Annual operating cost, €/ton



...requiring high capex budgets and long lead times

Example proposed and planned Australian projects

	Capacity	Capex	Project timeline
Kwinana, Western Australia	400 ktpa	\$696m	7 years from project initiation in 2015 to planned completion date in 2021
East Rockingham, Western Australia	300 ktpa	\$511m	7 years from Council tender in 2016 to planned completion date in 2022
Maryvale Victoria	650 ktpa	\$600m	8 years with initial feasibility study in 2017 and planned completion by 2024



The value drivers for Thermal EfW facilities include both construction and operational elements, described in the Table 5 below.

	Infrastructure feature	Investor requirements
Project build	High Project investment capex	Often multiple investors involved in transaction
	30-40 year asset life	Require long-term contracts to secure return on capital over life of asset
	Economies of scale curve implies bigger is better	Seek to secure volumes from multiple parties; rare where one organisation (public or private) can provide total volume
	Long project lead time	Seek Government support for coordinated approval and licensing processes
Operations	Three major sources of revenue (gate fee, power, metals)	Seek long-term contracts on volume and on power offtake
	Costs of residual dependent on government policy	Lobby for no levy applied for bottom ash disposal to landfill Seek for regulatory approval for re-use in road base
	Need for flexibility to blend/mix input waste streams to optimise energy value	Ensure secure access to both C&I and MSW waste streams Do not set capacity to absorb up to 100% residual volume available – need ability to choose ‘best’ waste streams from energy content perspective

The range of returns received from Thermal EfW facilities is driven by risk exposure, with returns of up to 16% for top of the range for projects with significant risk exposure (e.g. to power prices in liberalised markets) and up to 5 % for projects with government supported risk and no minimum equity return requirements⁴⁸.

Implementing a contract structure that appropriately manages risk should be a priority for Councils. In order to meet continually increasing waste diversion targets, Councils must be able to implement improvements to their waste management practices over time without fear of being locked into a put-or-pay contract. This is a critical issue in securing and maintaining a social licence to operate in the Thermal EfW sector in Australia.

There are five major risks to be managed through the contracts for Thermal EfW operation:

- **Quantity of waste** which is naturally owned by the operator, who can seek other sources from C&I sector to balance municipal solid waste residual
- **Composition of waste** which is naturally owned by the operator who can ‘mix and match’ waste to balance out calorific value
- **Electricity price** which is best owned by the operator, who can price impacts into gate fees, investor returns or electricity market hedges
- **Government policy** which is jointly owned with both investors and operators able to advocate for alternative
- **Approvals and community acceptance** are shared risks, with each participant owning different elements.

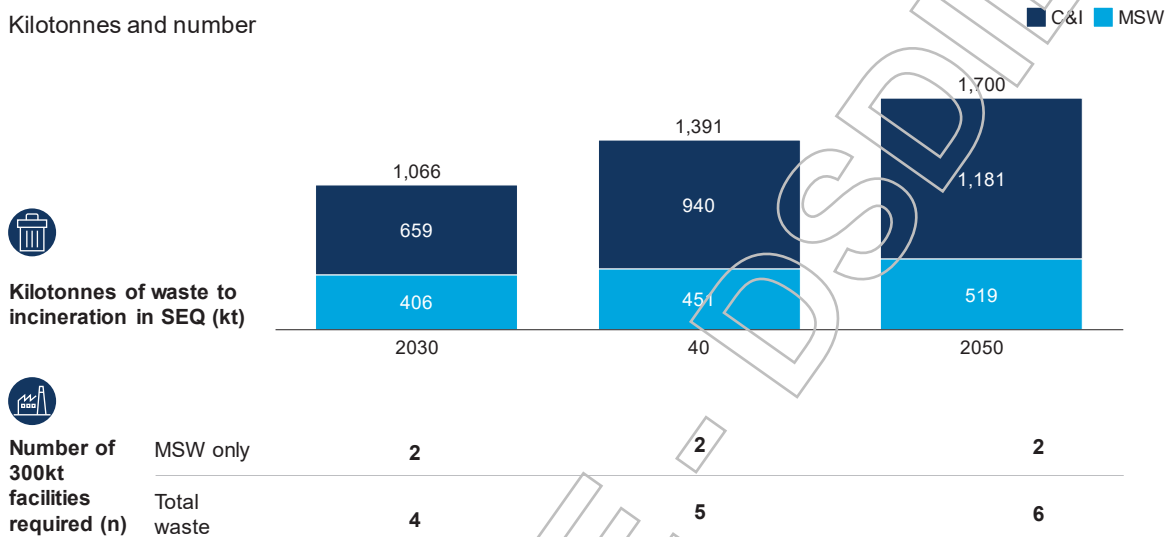
IF SEQ WERE TO TREAT ALL RESIDUAL WASTE TWO TO SIX 300ktpa THERMAL EFW FACILITIES WOULD BE REQUIRED BY 2050

Moving in line with Queensland waste policy targets for SEQ would require at scale (300ktpa) Thermal EFW facilities by 2050, with a total capex of between \$2.4 billion and \$3.1 billion. This assumes that sufficient capacity is constructed to absorb target residual waste from MSW and C&I combined, given that plants typically operate more efficiently with blended waste streams. Exhibit 25 shows the overview of waste and energy production facilities needed by 2030, 2040 and 2050 respectively.

Exhibit 25

Tonnage of Thermal Efw processing and number of facilities required by decade

Kilotonnes and number



B) IMPLICATIONS

Considering the dynamics of the residual waste stream described in the previous section, three key implications emerge:

- Maximising recycling/recovery before moving to Thermal Efw or other alternative treatment technology is essential for aligning with the State's waste hierarchy, and achieving this would mean a multi-year lead time before the general waste stream is 'eligible' to be considered residual.
- Although it is a core part of the Queensland Waste Management and Resource Recovery Strategy, making the social, environmental and economic case for Thermal Efw or other Alternative Waste Treatment in SEQ is nontrivial, considering community perception, availability of high-quality landfill capacity, and the changing landscape of energy production (cheap renewables)
- If/when Councils choose to proceed with procurement of any Thermal Efw facility (or other AWT facility), negotiating the appropriate cost and risk sharing will require collaboration between Councils, deep expertise and a long lead time.
- Emerging technologies and smaller scale facilities may be appropriate in instances where transport costs for residual materials are very high

C) OPTIONS CONSIDERED

This section sets out the key decision areas relevant to the residual waste stream, and the options considered in each decision area. A summary of this is provided in Exhibit 26 below, with further detail on each of the key decision areas provided in the text that follows.

OPTIONS CONSIDERED; RESIDUAL WASTE STREAM, TARGET 2030 END STATE

Decision area	Options	Majority Target End State	Rationale		
Priority of focus on residual waste stream diversion	Not a focus	Secondary focus –need to optimiserecyclables and organics first	Priority focus – pursue in parallel to recyclables and organics	Need to optimise recyclables and organics streams before having a true residual stream for processing. Cost, jobs and environmental benefits are modest/neutral relative to landfill	
Time to commence planning	Commence only if landfill diversion mandated	Commence if/when compelling new technologies emerge	Commence now to create real options	Commence now with conviction to proceed	Range of situations across councils –some with no burning platform to move actively on this stream or facing active rate payer opposition, others facing more direct landfill constraints creating a benefit in understanding optionality
Waste stream composition	No active posture on standards	Actively seek state-led standards	Develop council-led standards	Provides greatest flexibility for councils. However if residual processing became mandated, preferable outcome would be for any standards required to be set by State given need for consistency across council areas	
Processing technology type	Thermal energy from waste	Gasification	Pyrolysis	Emerging technology	Thermal W2E is the only residual processing technology appropriate for MSW waste stream that is proven at commercial scale; this may evolve over time and decision should be made at point of proceeding with residual processing
Infrastructure ownership	Private (market) ownership	Council holds ownership stake owned, privately operated	Council owns and operates	Not explored in this piece of work – for future consideration	
Infrastructure coverage	No infrastructure unless mandated	Work towards infrastructure for a portion of MSW & C&I waste (e.g. 4 plants by 2050)	Work towards sufficient infrastructure for all MSW & C&I residual (~6 plants by 2050)	Accommodates range of preferences across councils (e.g. some pursuing W2E, some not), and enables flexibility in response to technologies that may emerge in future; reduces risk of excess capacity	



PRIORITY OF FOCUS ON RESIDUAL WASTE STREAM DIVERSION

The aspirations defined in the Queensland Government Waste Management and Resource Recovery Strategy demonstrate an expectation that a significant share of residual waste will be processed and converted to energy rather than sent to landfill (10% of total waste by 2030, 25% by 2050). If Queensland were to move in step with WA and choose Thermal EfW technology, achieving this would require investment in the order of magnitude of \$2 billion to \$3 billion of capital over the coming decades, to establish two to six at-scale Thermal EfW facilities.

Given the scale and complexity of the infrastructure decisions in play, six material considerations emerge as CoMSEQ determines the priority placed on this element of waste management:

- **Economic impact (on costs and job creation):** As described in the previous section, it is anticipated that the impact on ongoing jobs and costs is likely to be relatively neutral compared to the 'do nothing' option of continuing to send residual waste to landfill, although significant construction jobs would be created if new infrastructure were built.
- **Environmental impact:** The current broad consensus across relevant institutions is that the environmental impact of thermal energy-from-waste is preferable to the impact of landfill. However, three underlying trends may reverse this position in future – the share of fully renewable energy in the Queensland grid is increasing; methane release at landfills will be reduced; and the biogenic content of residual waste is decreasing, making the resultant energy produced less renewable in nature and closer to a fossil fuel.
- **Citizen expectations:** Most CoMSEQ Councils believe there is a relatively low social licence for incineration of waste. This is reinforced by the stance of active lobby groups (e.g. IRATE, and the official Greens party policy), and the recent legislative shift in the ACT to prohibit thermal treatment of residual waste (via incineration, gasification, pyrolysis or any variations of these). By contrast, government policies in WA, SA, Victoria and NSW are all supportive of Thermal EfW. It is likely that the choice of location for such facilities would have a material impact on community acceptance.
- **Feasibility:** A precursor to processing residual waste is creating a waste stream that is truly 'residual' in nature, meaning that as much recyclable and organic material as reasonably possible has been removed from the waste stream before it is incinerated or otherwise converted to energy. At present, no specific standards have been set in Queensland to define what a true 'residual' waste stream composition would look like. However, there is broad consensus that CoMSEQ will not have achieved true residual waste streams until comingled recycling and organics recycling streams have been optimised.
- **Availability of alternatives:** Many regions that have embraced processing of residual waste globally have been motivated by the absence of alternatives (e.g. limited landfill space/capacity within reasonable distances). This constraint does not exist for CoMSEQ as a whole, with analysis suggesting there is sufficient capacity well beyond 2050 across all scenarios for waste volume generation. However, given that some individual Councils are nearing full landfill capacity, cooperation across the group, or acceptance of private sector led solutions would be required to for all Councils to have a genuine alternative to Thermal EfW.
- **Value stream opportunity:** Analysis suggests that Thermal EfW investments have the potential to generate attractive returns for the asset owners. Subject to the availability of capital and risk appetite of the group, there could be potential for Councils to participate in this value stream, creating a new revenue source, which could be used to offset cost increases to rate payers in the post-rebate environment.

Taking into account the six considerations above, the choice on priority for residual waste management is 'moderate' – it is an important stream to address, but optimisation of organic and comingles is both a pre-cursor to addressing residual waste and likely to generate more immediate benefits. Further, the passage of time may enable new technologies for residual management to emerge and/or provide more clarity on how the cost/benefit trajectory of thermal energy-from-waste will unfold.

TIME TO COMMENCE PLANNING

Thermal energy-from-waste infrastructure projects typically have a very long lead time (6-8 years from commencement of planning), due to the complexity of deal structure and financing arrangements, planning requirements, and construction. Accordingly, CoMSEQ would need to commence work on this well before it desired to have the capacity in place.

Across the options set out in Exhibit 26, the predominant view is that there is not yet sufficient impetus to commence proactive planning, particularly given other priorities. However, it is worth noting that it would only require one to six⁴⁹ Councils to move collaboratively on this to have sufficient volumes to proceed with a single facility, providing there is good flexibility for Council-specific solutions.

There are triggers that may change the decision around the time to commence planning, specifically, if the State Government set mandatory landfill avoidance targets, or if the State took the lead in stimulating development on state-owned land.

WASTE STREAM COMPOSITION

There are currently no defined standards in Queensland for what constitutes 'residual' waste, that is, the level of recyclable and organic matter that could acceptably be incinerated or processed through other alternative treatment technologies. Given that energy-from-waste facilities are likely to operate at a scale that cuts across Council boundaries, and in collaboration with the C&I waste sector, it is anticipated that any such standards would be more appropriately set by the State than by CoMSEQ or individual Councils.

PROCESSING TECHNOLOGY TYPE

At the moment, the only commercial scale technology for processing of non-organic residual waste that has been widely adopted globally is thermal energy-from-waste (incineration). This is also the technology that has the most momentum across Australia. Accordingly, it is anticipated that if Councils were to proceed with creating processing capacity in this space, this is the most likely technology to be adopted. However, as for all discussion on future infrastructure choices in the Plan, the opportunity exists to 'let the market decide' once the decision to proceed with residual processing has been made, and technology advancements could provide other options.

OWNERSHIP MODEL FOR PROCESSING INFRASTRUCTURE

As described in the previous chapter, assessment of Thermal EfW deals globally suggest that returns to investors can be significant, with an indicative IRR range of 5-16%. Given the key role that Councils play in shaping the demand for Thermal EfW capacity, it could be attractive to consider the option of taking an ownership stake in the required infrastructure. An outside-in simulation estimated that by fully leveraging the Government's low cost of debt capital, relative to typical investment hurdle rates for private market investment, Councils might be able to achieve the equivalent of up to 50% of the effective gate-fee per tonne for Thermal EfW. Once the landfill levy rebate is removed, this could result in Thermal EfW being significantly cheaper to Councils than landfill. If this were achieved over the entire South East Queensland EfW residual stream, it would amount to a saving of ~\$24 million/pa on 2030 volumes relative to landfill, or \$36 million/pa relative to commercially owned Thermal EfW.

Whether or not this is an attractive option depends on the availability and cost of capital, the risk appetite of Councils, the actual cost profile of asset in question (noting the uncertainties around costs for dealing with bottom ash, and energy prices), the returns available on alternative investment opportunities, and the ability to structure a deal that appropriately meets Council's target investment profile. These options have not been considered in detail as part of the scope of this work, but given the potential scale of benefits would be appropriate to consider if/when Councils determine that residual waste processing is a strategic part of their waste management strategies.

49 Reflects range of forecast 2030 waste flows depending on recovery performance, and includes C&I

INFRASTRUCTURE COVERAGE

As described above, given the availability of alternate options, the challenges associated with thermal energy-from-waste, and the potential for new technology to emerge in this space, it is helpful that the opportunity exists to proceed incrementally. It is estimated that up to two to six at-scale Thermal EfW facilities would be required to process all appropriate residual waste in South East Queensland by 2050. Accordingly, if Councils were to proceed with just one or two facilities over the next ten to 15 years, it would provide the opportunity down the track to incorporate newer processing technologies, and would minimise the risk of building excess capacity if new societal breakthroughs emerge that drive a step change in waste generation or reuse.

D) RECOMMENDATIONS

With the above taken into account, there are seven recommendations on Residual

1. **In the immediate term**, optimise waste flows by pulling all levers further up the waste hierarchy, to create a stream that is true residual
 - Achieve goal levels for maximum organics/recyclable components in general waste
 - Collaborate to manage residual using landfill capacity across SEQ, whilst focus is on resource recovery levers
2. Periodically review alternative waste treatment (AWT) technology developments, and emerging solutions preferable for residual MSW
3. Work with DSD on land use planning and State Development Areas for residual (Thermal EfW or other AWT technology facilities)
4. For Councils that wish to proceed or explore the complete and in-depth study to assess the environmental, economic development, health & safety and operating economics outcomes in SEQ, in order to develop & test the fact base that could support local social licence
5. **In the medium term**, for Councils that seek to proceed collaborate & seek expert support to ensure any deal that is pursued achieves four things:
 - Environmental & jobs outcomes that are better than optimised landfill
 - No disincentives to continued optimising of waste recovery
 - Ongoing costs are acceptable to rate payers
 - Limited exposure to electricity or other price risk borne by operator

If the above conditions cannot be met, continue to move residual waste to landfill, continue to work towards minimising emissions from landfill in SEQ and explore alternate emerging technologies for continually reducing residual volumes

6. **In the long term**, if social licence has been effectively established move to combine residual flows to allow development of 2-6 Thermal EfW facilities by 2050 with scale >200ktpa (assuming MSW residual streams are combined with C&I) or a suitable number of facilities using alternative technologies
7. As part of business case development, consider desired ownership structure for processing infrastructure, including option for Council ownership

Caveats

Several Councils believe that establishing social licence in SEQ for Thermal EfW will never be feasible

Two Councils have noted they would have additional specific objectives to be met before proceeding, in addition to those listed here; these are yet to be developed

E) 2030 PROJECTED OUTCOMES FROM RESIDUAL RECOMMENDATIONS

Projected outcomes from residual recommendations are summarised in Table 6, below;

Table 6: 2030 Projected outcomes from residual recommendations

Outcome area	Estimated 2030 impact	Notes on method and inclusions
Economic development outcomes	Nil	Facilities not operational until after 2030
System operating cost	Nil	Facilities not operational until after 2030
Up front, one off transition costs	Nil	Facilities not operational until after 2030



7. Overview of Recommendations and Outcomes

This chapter provides a summary of recommendations in the Plan, and notes specific caveats or limitations on alignment that emerged from Council input. It also sets out overall outcomes from recommendations, in terms of progress towards State landfill diversion targets, economic development outcomes, impacts on system operating economics and up front, one-off transition costs.

Recommendations are grouped by the type of waste material, with enabling actions first, followed by infrastructure and bin system changes.

A) RECOMMENDATIONS

COMINGLED RECYCLEABLES

1. Launch a joint, evidence based behaviour change campaign to reduce comingled bin contamination rates to <5% and increase recyclables to 80% over the next 10 years
2. Advocate for State and peak body support for recycled product end markets, (e.g. procurement, standard setting, R&D etc)
3. Coordinate local government led efforts to support end markets for recycled streams (e.g. procurement, changes to LG specifications)
4. Advocate for the broader rollout of CRS to additional glass containers
5. Examine benefits and pathways for removal of glass from the kerbside comingled system in SEQ, if proven by Victorian experience
6. Plan for installation of 1-2 new MRF facilities by 2030, planning for;
 - Medium-large scale (> 60k single shift capacity)
 - Located to reduce transport costs
 - Jointly agreed optimised ownership model for new capacity (insourced or outsourced)

Caveat

One Council may look to partner with adjoining Western Councils to achieve economies and reduce transport costs

ORGANIC MATERIALS

7. Rollout evidence-based behaviour change campaigns to both reduce food waste and enable use of GO/FOGO bins, seeking to keep consistent message and branding but with scope to tailor for local context
8. Collaborate to support stable and efficient markets for compost
 - Ensure high quality outputs (i.e. set standards, but don't dictate technology) and require appropriate monitoring program for PFAS, microplastics and other potential contaminants in line with State regulations
 - Support local operators by buying recycled mulch/compost products, and encourage other government agencies to buy product (e.g. transport)
9. Collaborate with the State to work with private sector (e.g. NRA, Coles, Woolworths) to adopt product stewardship changes to improve organics recovery (i.e. compostable veggie bags default in supermarkets)
10. Move towards a consistent organics recovery bin system by 2030, in a way that is as coordinated and provides flexibility in timing and transition pathway
 - Align on definition of FOGO 2030 target state in SEQ, ultimately with FOGO collection weekly, general waste weekly or fortnightly, and inclusion of all plant and food waste
 - Move towards 2030 target state either directly from current state or first by rolling out a GO service or GO+ service
 - Make the transition as fast as reasonably practicable; 1-2 frontrunner Councils will pilot and roll out within next 12 months, other Councils follow
 - Systematically share lessons learned from frontrunners and pilots to enable ongoing optimisation of approach

Caveat

Very low population density will reduce economic feasibility and environmental benefits. Councils, or select areas (rural or island) within Councils may choose not to offer a FOGO service

One Council has a preference to explore alternative/emerging technologies that may require organics remaining in the general waste bin

11. Collaborate to procure market-led solutions for organics processing services at an efficient scale, located to minimise transport costs
 - If the market nominates IVC technology as the lowest cost solution, Councils should collaborate with 1-2 neighbours for facilities >20ktpa in scale; this implies ~8-13 facilities for SEQ by 2030
 - As part of business case development, consider ownership structure for infrastructure, including option for Council ownership



RESIDUAL

12. **In the immediate term**, optimise waste flows by pulling all levers further up the waste hierarchy, to create a stream that is true residual
 - Achieve goal levels for maximum organics/recyclable components in general waste
 - Collaborate to manage residual using landfill capacity across SEQ, whilst focus is on resource recovery levers
13. Periodically review alternative waste treatment (AWT) technology developments, and emerging solutions preferable for residual MSW
14. Work with DSD on land use planning and State Development Areas for residual (Thermal EfW or other AWT technology facilities)
15. For Councils that wish to proceed or explore the, complete and in-depth study to assess the environmental, economic development, health & safety and operating economics outcomes in SEQ, in order to develop & test the fact base that could support local social licence
16. **In the medium term**, for Councils that seek to proceed collaborate & seek expert support to ensure any deal that is pursued achieves 4 things:
 - Environmental & jobs outcomes that are better than optimised landfill
 - No disincentives to continued optimising of waste recovery
 - Ongoing costs are acceptable to rate payers
 - Limited exposure to electricity or other price risk borne by operator

If the above conditions cannot be met, continue to move residual waste to landfill, continue to work towards minimising emissions from landfill in SEQ and explore alternate emerging technologies for continually reducing residual volumes

17. **In the long term**, if social licence has been effectively established move to combine residual flows to allow development of 2-6 Thermal EfW facilities by 2050 with scale > 200ktpa (assuming MSW residual streams are combined with C&I) or a suitable number of facilities using alternative technologies
18. As part of business case development, consider desired ownership structure for processing infrastructure, including option for Council ownership

Caveats

- Several Councils believe that establishing social licence in SEQ for Thermal EfW will never be feasible
- Two Councils have noted they would have additional specific objectives to be met before proceeding, in addition to those listed here; these are yet to be developed

Enabling

19. Collaborate with the State Government to embed the principles into the agreed final funding model to support implementation of the SEQ Waste Management Plan
20. Develop high quality and consistent data practices to support ongoing optimisation of waste management across the region

B) OUTCOMES

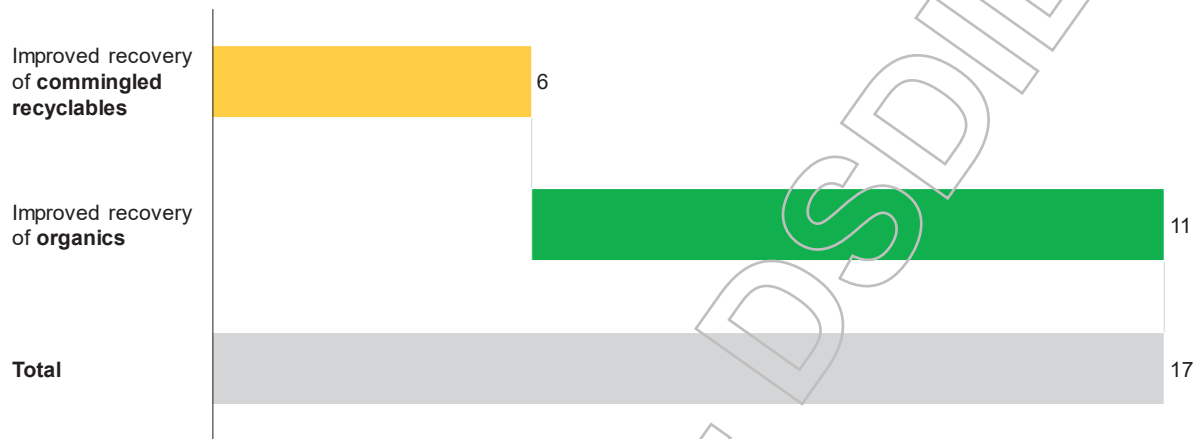
The Outcomes from the implementation of the Plan are both environmental and in jobs created for South East Queensland. Each of these is discussed in turn.

Recommendations will improve landfill diversion rates by ~17 percentage points by 2030 versus a low recovery scenario, driven mostly by improvements in organics recovery (see Exhibit 27).

Exhibit 27⁵⁰

Diversion rate impact by 2030 from recommendations

Percentage point improvement versus a 'low recovery' scenario

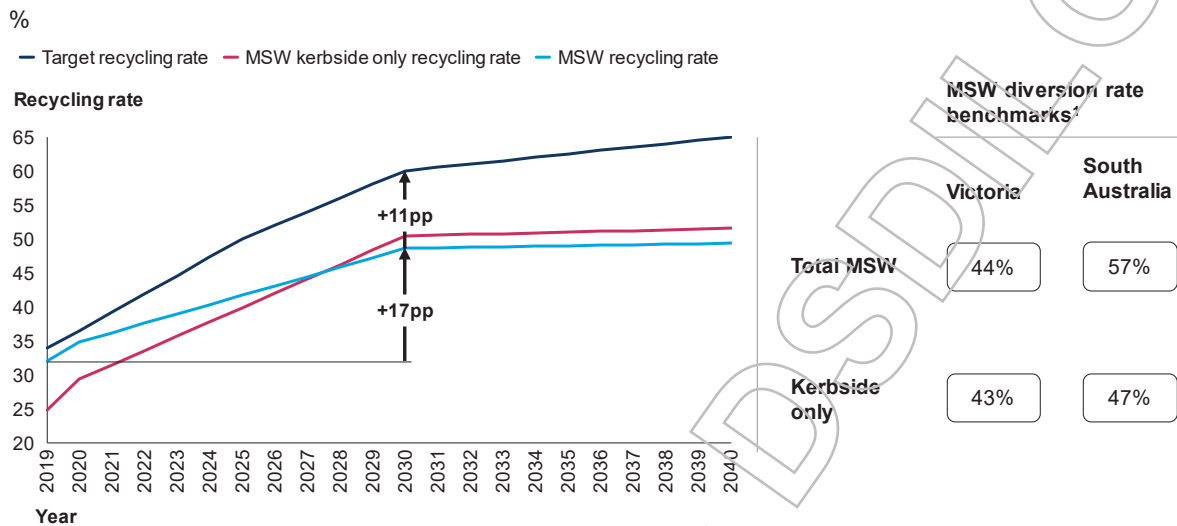


⁵⁰ Recycling diversion rate based on increasing the proportion of total recyclable material placed in recycling bin to SA Uplift to SA levels (72%) (up from 49% today). Organics diversion assumes that bin penetration for organics bins reaches 80% by 2030, 80% of garden organics are removed from the red bin, and 60% of food organics. Diversion rate impact shown compared to a 'do nothing' case where recycling and organics behaviours stay constant versus today (with significant contamination the red bin)

Recommendations will move SEQ ~60% of the way to Queensland Waste Strategy recycling targets. A further 11 percentage point improvement is required by 2030 to reach targets, which could be achieved through a combination of interventions (e.g. statewide product stewardship and improvements in self-haul recovery) not considered in the Plan as they do not directly benefit from CoMSEQ collaboration (see Exhibit 28)

Exhibit 28⁵¹

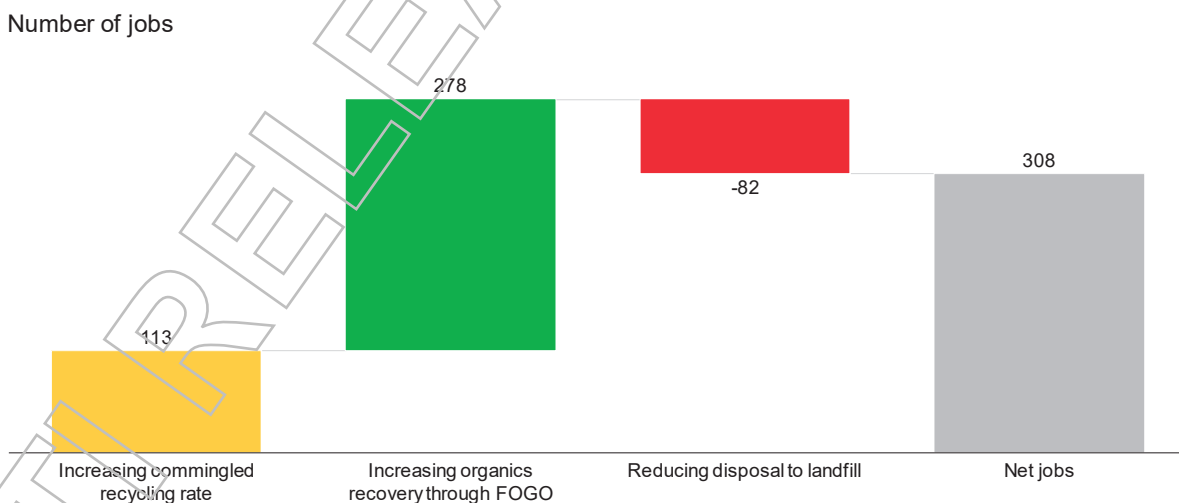
Forecast recycling rate versus state targets and benchmarks



Recommendations will create ~310 permanent jobs in SEQ, driven mostly by FOGO roll out (see Exhibit 29). In addition, recommendations would create ~2,900 – 3,800 temporary jobs per year of new infrastructure construction (MRFs: 100-160, organics processing 300-400, Thermal EFW 2,500 - 3,200). Job creation from establishment of manufacturing precincts to support expansion of organics recycling in South East Queensland and beyond have not been modelled.

Exhibit 29⁵²

Permanent jobs created by recommendations by 2030



The costs associated with transition to and implementation of the Plan are discussed in the next section.

⁵¹ As per Exhibit 27 footnote, and Queensland state targets, DES local government waste survey, 18-19

⁵² Assumptions: Recycling diversion rate based on increasing the proportion of total recyclable material placed in recycling bin to SA Uplift to SA levels (72%) (up from 49% today). Organics diversion assumes that bin penetration for organics bins reaches 80% by 2030, 80% of garden organics are removed from the red bin, and 60% of food organics. Based on available evidence, jobs/10kt of waste assumed at 2.2 for landfill, 4.2 for organics, 9 for recycling. Collections net jobs assumed at ~1/10k households under a FOGO weekly, general waste fortnightly model based on experience from Sustainability Victoria.

8. Costs of the Transition

This Chapter has four parts, describing the funding challenge to achieve the transition, options to fund the transition, priority considerations for CoMSEQ Councils, and recommendations to progress funding of the Plan. Each is discussed in turn.

A) OVERVIEW OF THE FUNDING CHALLENGE

This part describes the funding required to implement the transition, taking into account both the one-off transition and infrastructure costs, as well as shifts in ongoing operating costs, with a focus on the 2020-2030 timeframe

It is estimated that implementing the recommendations will increase total system operating cost by \$33-83m by 2030, driven by the additional cost of collecting and processing FOGO waste across SEQ (\$46-103m), partially offset by savings from recycling. This increase translates to an average increase of ~\$19 – 47 per household annual waste charge, after levy removal. Exhibit 32 shows the elements of system costs changes associated with implementation of the Plan.

Exhibit 32⁵³

Incremental system operating cost by 2030

\$Millions

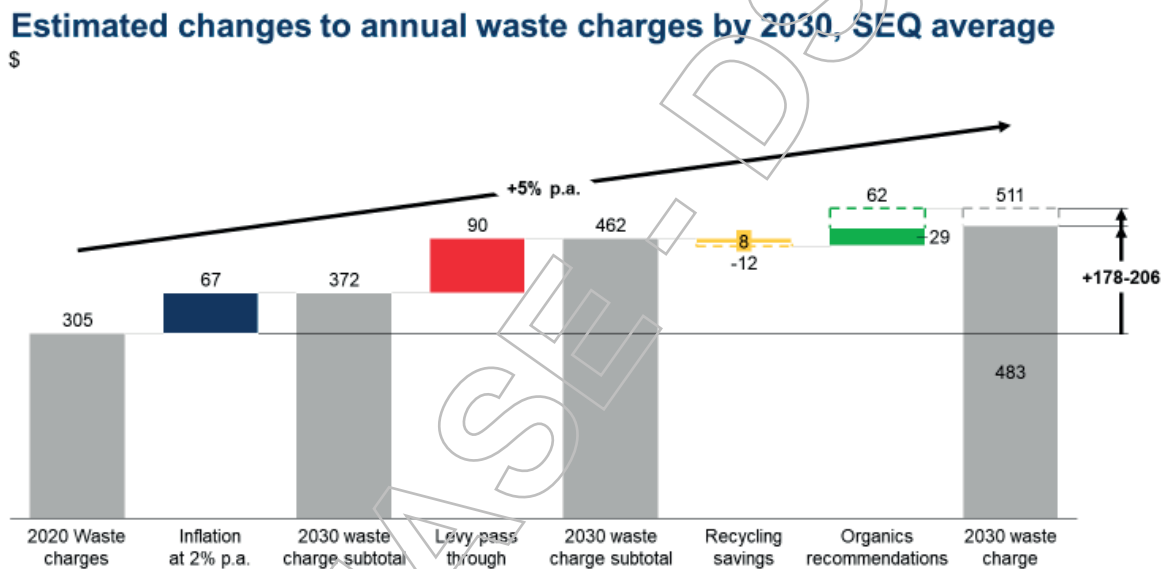


53 Assumptions: FOGO bins are introduced at 80% penetration across SEQ by 2030, and that 80% of garden organics and 40% of food organics are shifted from the red to FOGO bin for households that have the bin. Recycling assumes that the proportion of total recyclables in the yellow bin improves to benchmarks observed in SA by 2030 (72% from ~49% today), Secondary markets development assumed to raise the price of recyclable commodities 30% of the way back to pre-China Sword prices. CRS analysis based on savings for expanding scheme to glass wine bottles only

The largest contribution to ongoing system operations costs is the weekly collection of organics through the FOGO bins as this adds an additional weekly or fortnightly household collection across the system for all households that do not currently have a green bin service. It is also a common experience for Councils to have an increase in volumes or organic waste received when FOGO services are introduced. The costs of FOGO collection are partially offset by the benefits of increased recycling with increased proportion of recyclables in the yellow bins, higher value achieved from the secondary recycled materials, expanded CRS and increased number of MRFs. The investment in education enabling the community to change behaviour to support the outcomes of the Plan will need to be sustained to keep people on track.

Alongside these total system operating costs the system is subject to two forces driving costs upwards – inflation, at 2% per annum, and the pass through of the levy to householders that would accompany levy removal. Of these four forces increasing costs, those from implementation of the Plan account for between 10 – 25% of the total system operating cost increase estimated between now and 2030. Exhibit 33 illustrates the estimate changes to annual waste charges by 2030 (SEQ averages, per household), showing that if no levy rebate was paid to Councils, household rates paid for waste would need to increase at 5.3% per year to cover costs

Exhibit 33⁵⁴



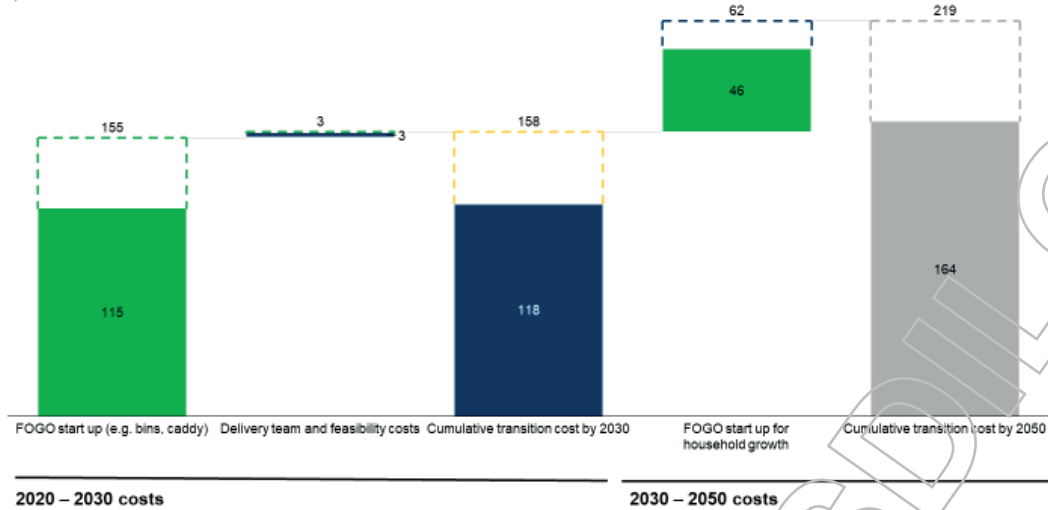
Significant transition costs (also called 'one off' or capital costs) are required to execute on the recommendations.

These are estimated to be ~\$210-280m by 2030, and ~\$2.7-3.6bn by 2050. These can be considered in two parts – those infrastructure costs that would be expected to make a commercial return, and other one-off costs that will not generate a return. Exhibits 34 and 35 show the split of one off transition costs and capital costs that would be expected to make a return.

54 Assumptions: FOGO bins are introduced at 80% penetration across SEQ by 2030, and that 80% of garden organics and 40% of food organics are shifted from the red to FOGO bin for households that have the bin. Recycling assumes that the proportion of total recyclables in the yellow bin improves to benchmarks observed in SA by 2030 (72% from ~49% today), Secondary markets development assumed to raise the price of recyclable commodities 30% of the way back to pre-China Sword prices. CRS analysis based on savings for expanding scheme to glass wine bottles only

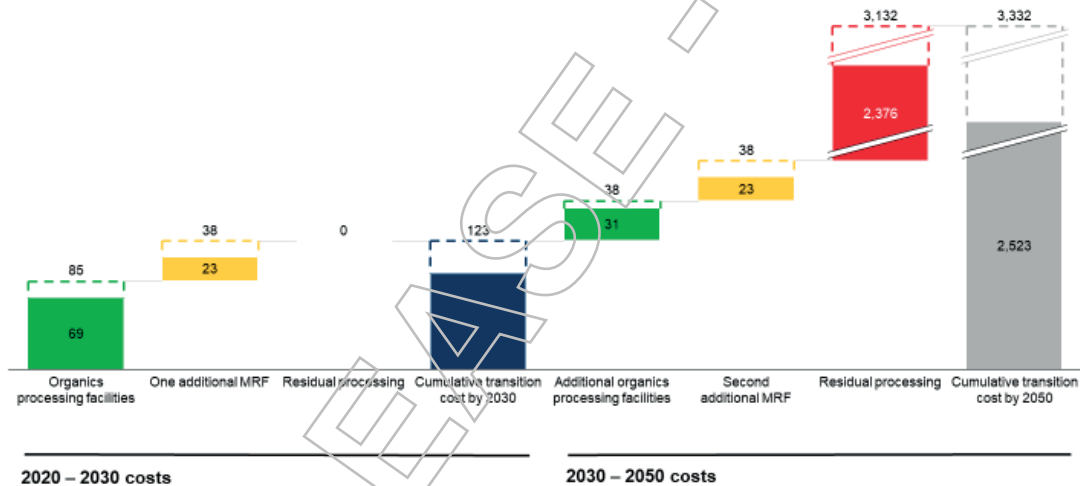
Non-infrastructure transition costs required to execute on recommendations to 2050

\$Millions



Infrastructure costs required to execute on recommendations to 2050

\$Millions



As shown in Exhibit 35 more than 85% of the infrastructure costs are related to residual processing technology, and investment falls beyond 2030. For the infrastructure spend that has the potential to generate a significant return for the investor (with associated risk), ownership may be either public or private, depending on risk appetite, availability of capital, and timing. A large proportion of this funding will likely be available from the private sector under infrastructure development arrangements.

The essential considerations in moving to fund these transition costs are whether they are borne by Councils (and passed on to ratepayers), borne by the State or Commonwealth Governments, or in the case of some classes of capital investment borne by the private sector.

55 Assumptions: FOGO bins are introduced at 80% penetration across SEQ by 2030, and that 80% of garden organics and 40% of food organics are shifted from the red to FOGO bin for households that have the bin. Recycling assumes that the proportion of total recyclables in the yellow bin improves to benchmarks observed in SA by 2030 (72% from ~49% today), Secondary markets development assumed to raise the price of recyclable commodities 30% of the way back to pre-China Sword prices. CRS analysis based on savings for expanding scheme to glass wine bottles only

56 Compilation of multiple analyses from previous workshops. Assumes that FOGO bins are introduced at 80% penetration across SEQ by 2030, remaining at 80% penetration thereafter. FOGO capex from 2030-2050 due to household growth.

B) CONSIDERATIONS IN FUNDING THE TRANSITION

- At its simplest, funding to support transition of the waste system will come from two sources: Governments, either State or Commonwealth, sourced from either general revenue or specific levies or charges (ie a waste levy)
- Citizens, via increases in rates payments to Councils

There are three dimensions to consider in thinking about paying for the implementation of the Plan:

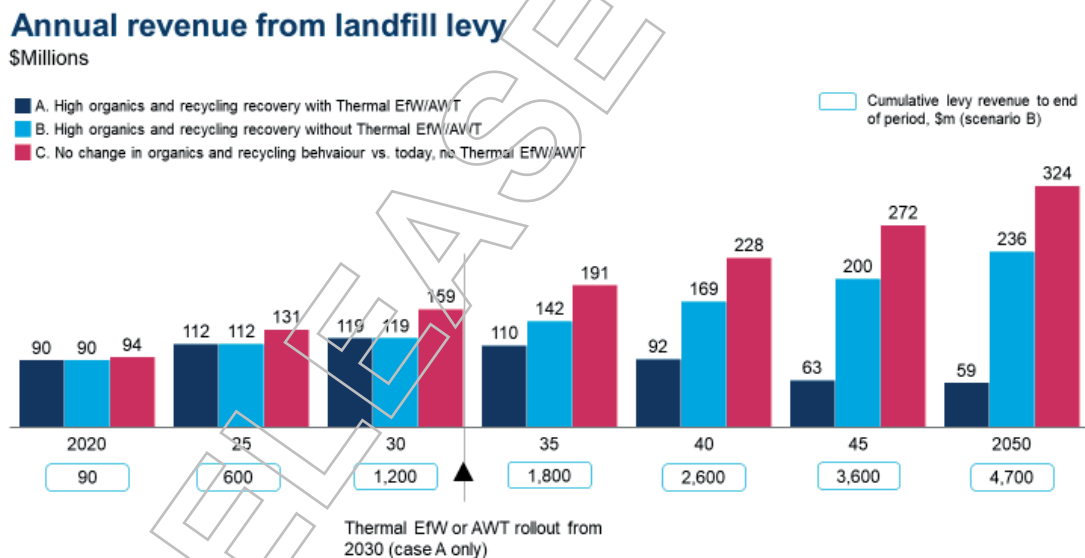
- How much of the State Government waste levy collected from ratepayers is provided back to Councils
- How Government funding (both levy and any other funding) is allocated to Councils
- Timing of funding available, including both of government funding and any rates increases funded by citizens

Together these three dimensions will support (or inhibit) rapid delivery of the Plan. The options for each is discussed in turn.

The State Government holds the levers for Queensland's waste management levy. The levy arrangements will be reviewed in 2021, with the rate or possible removal of the levy rebate to Councils and timeframe over which this should occur likely topics for the review.

The amount of funding potentially available through the levy depends on how much citizens change their waste production and sorting behavior and when alternate processing facilities come online. The dynamics of the future levy flow under several scenarios are illuminated in Exhibit 34.

Exhibit 34⁵⁷



The State government could contribute to SEQ's waste system transition through:

- alignment of future levy arrangements with the ambition and direction of the Plan;
- investment of the levy in actions contained in the plan (either with 'one off' capital commitments, ongoing systems operations costs, or the community education required to support success of the Plan); or
- investment of non-levy funds into actions to support the plan.

Assumes one MRF built between 2020-2030, and another between 2030-2050 at approximately the same capacity (~125k double shift). Assumes organic processing is built as required to meet the required throughput of organics from FOGO. Organics processing capex growth from 2030-2050 due to household growth. Assumes all EFW infrastructure (regardless of technology) capex is incurred after 2030. EFW capex sized as incineration in this analysis. Delivery team costs assume 2-3 FTE at ~150k p.a. for 5 years and includes a \$1m provision for environmental feasibility of WtE before 2030

57 DES local government waste survey 18-19, QLD state waste target modelling, state levy price path. Assumptions: A&B: bin penetration for organics bins reaches 80% by 2030, 80% of garden organics are removed from the red bin, and 60% of food organics. Proportion of recyclables in the yellow bin uplifted to SA levels (72%) by 2030 and Victoria's level by 2050 (80%), WtE ramping up linearly from 2030 to reach 64% of residual waste stream by 2045, increasing gradually in line with waste targets thereafter. No WtE in case B. C: No change in recovery rates. No change to waste generation per capita in any scenario.

In providing levy funding to Councils the State could allocate funding as a direct pass through to Councils, which may be tied to specific projects or infrastructure. Alternatively there may be specific grant programs that Councils can apply for, noting that administration of grant programs tends to increase system costs and often also introduces delay

The Commonwealth Government could contribute to SEQ's waste system transition. Options would be for funding to be provided through specific waste related funding programs, grants or the upcoming SEQ Cities Deal.

The timing and design of funding mechanisms to support and incentivise implementation of the Plan will drive how quickly progress can be made. For example, if specific action is incentivised by how levy funding is allocated action is likely to be more swift. Similarly, if levy funds are provided in advance actions can be brought forward, or 'front-loaded'. Alternatively, if Councils were required to fund the transition predominantly or entirely by increasing rates it would likely severely delay implementation, especially if community concern developed during the transition period.

C) PRIORITY CONSIDERATIONS FOR COMSEQ COUNCILS

The following principles, developed by CoMSEQ, outline the type of levy and funding environment that CoMSEQ believes would be most conducive to supporting timely implementation of the Plan:

- i. The funding model should **incentivise the long term end state** described in the Plan;
- ii. One hundred percent of MSW waste levy **funds raised from rate payers should be reinvested back into MSW waste management** to accelerate the transition, create transparency, and build citizen confidence and trust in how the transition is being managed;
- iii. **Certainty is an important anchor** for the long run investments that are needed to deliver on the Plan. **Long term certainty is the most important ingredient**, followed by achieving certainty **rapidly** so that action can begin;
- iv. A **rules based approach is generally preferred to an applications/ grants model** because it provides long term certainty;
- v. **Consultation (and 'no surprises) is vital to achieve buy-in for change** and so both funding model development and waste industry sector development (planning and approvals) should be anchored in mutual respect and high levels of consultation between Local and State Government;
- vi. A **unified set of messages to rate payers** about the transition, rationale, importance, and value for money will be more effective than blame shifting for cost increases;
- vii. **Government funding support should focus primarily on the one-off transition and start-up costs and on smoothing the cost increase to households**, while over time any ongoing increase in operating costs (in excess of the levy amount) should be passed on to households via Council rates, to incentivise efficient operations and ensure ongoing financial sustainability.
- viii. **In the limited circumstances where Councils choose to opt certain areas out of Plan recommendations due to very low population density, the waste levy for those households should be removed or redesigned to reflect the differential desired behavior shift (e.g. higher levels of home composting).**

9. Implementation Approach & Roadmap

This chapter has 4 parts, describing the levels of collaboration associated with each of the recommendations in the Plan; phases to move towards delivery; and what a SEQ Waste Management Plan Ten Year Implementation Roadmap should contain; and the supportive program of work to be done at the regional level. Each is discussed in turn.

A) LEVELS OF COLLABORATION NEEDED FOR SUCCESSFUL DELIVERY

The premise of CoMSEQ's collective work to produce this South East Queensland Waste Management Plan was that there are areas where collaboration will be needed to drive the best possible outcomes for the Region. Preparing the Plan has illuminated where and how such collaboration is likely to yield the best results.

This section first describes four levels of collaboration, each of which is illustrated with an example, and then indicates which would be most applicable to each of the recommendations.

The first level of collaboration is simply to increase the transparency of an individual Council's planned local action, so that others are aware and may have the opportunity to learn from the approach. An example would be when a large Council commissions an in vessel composting system for its own FOGO waste stream.

The second level of collaboration is where sub-regional partnership is needed, generally to achieve the economies of scale in procurement or operations to warrant capital investment. A smaller group of Councils would then be acting regionally, with transparency of the planned local action, so that others are aware and may have the opportunity to learn from the approach. An example would be where 2-4 Councils work together to procure or otherwise incentivise a new at-scale MRF operator and facility.

The third level of collaboration is where action is regional and all councils act at the same time. This ensures that all Councils benefit from the joint action and outcomes. An example would be the negotiation of a preferred waste levy rebate funding model with the State, or a city deal outcome with the Commonwealth.





The fourth level of collaboration is where whole of SEQ regional action is necessary, but Councils do not need to take the action at the same time. This is generally the case in citizen facing communications and 'rules' where there are benefits in citizens across the region taking the same approach, and economies of scale in preparing for it once. An example would be the commissioning of a 'best in class' citizen education campaign, which is rolled out by different Councils according to their FOGO roll-out timeline.

In turning to the recommendations of the Plan different levels of collaboration are needed for success in delivering the different recommendations. Due to the transaction costs inherent in collaboration the lowest level of collaboration needed for successful implementation has been selected.

Exhibit 35 illustrates the level of desirable collaboration between Councils to successfully deliver on the recommendations of the Plan.

Exhibit 35

At what level should Councils collaborate

	1 Comingled recycling	<ul style="list-style-type: none"> a. Launch a joint behaviour change campaign to increase proportion of recyclables placed in yellow bin; b. Advocate for the right scope for State-level interventions in supporting end markets c. Advocate for the broader rollout of CRS to addition glass containers d. Plan for installation of 1-2 new MRF facilities by 2030 at medium-large scale 	<ul style="list-style-type: none"> Regional, local pace Regional Unison Regional Unison Sub-regional
	2 Organics	<ul style="list-style-type: none"> a. Move towards one consistent organics recovery bin system, in a coordinated way by 2030 b. Launch a joint behaviour change campaign to support FOGO adoption c. Collaborate with neighbouring councils and adjacent industry (where applicable) to procure market-led solutions for organics processing services d. Act to support stable and efficient end markets (procurement levers, quality standards) 	<ul style="list-style-type: none"> Regional, local pace Regional, local pace Local or Sub-regional Regional Unison
	3 Residual	<p>In the immediate term</p> <ul style="list-style-type: none"> a. Optimise waste flows by pulling all levers further up the waste hierarchy b. Keep abreast of alternative waste treatment technology developments c. For councils that seek to proceed with Thermal EFW/AWT solutions, collaborate & seek expert support to ensure any deal structure delivers best possible environmental and economic outcomes, including considering a direct ownership option 	<ul style="list-style-type: none"> As above Regional Sub-regional
	4 Enablers	<ul style="list-style-type: none"> a. Develop high quality and consistent data practices to support ongoing optimisation of waste management across the region b. Work with the State to agree funding arrangements that incentivise and enable delivery of this Plan 	<ul style="list-style-type: none"> Regional, local pace Regional Unison



Council of Mayors
South East Queensland

B) MOVING TOWARDS DELIVERY

Implementing the Plan will be a staged approach, with each Council embedding actions into the waste management plans in line with their own strategic priorities and waste management contracts and capability, and community acceptance.

Over the course of 2021 each Council will move to identify when they will make key shifts towards the 2030 target end state and the actions required over the next ten years to reach it, as well as early wins that can be actioned in the short term.

The ten year Roadmap for each Council will be consolidated into a ten year master plan for the region. Synergies and opportunities for learning across the group will be synthesised with key topics placed onto the forward agenda of the Waste Working group to progress.

In 2022 the full implementation cadence of the Plan will kick in, with each Council acting at the pace and on the priorities identified in the ten year roadmaps. The Waste Working group of CoMSEQ will have active oversight of progress across the network.

C) REGIONAL WORKPLAN TO SUPPORT IMPLEMENTATION

To support implementation of the Plan six enabling activities at a regional scale are required. Each of these is briefly described.

- i. Coordination to support delivery of the joint behaviour change campaigns in the Plan. This could include commissioning of research, and development of framework approaches and materials to enable all Councils to lean in to the community behaviour change campaigns needed to support the Plan.
- ii. Development of the CoMSEQ advocacy positions to advocate for action by the State and Commonwealth. This would include developing positions on procurement standards, secondary market development support, and changes that would be desirable for the future Container Recovery Scheme.
- iii. Coordinate engagement on behalf of CoMSEQ members with the State and Commonwealth Government on key advocacy positions. Examples would include: on land use planning around State Development Areas for resource recovery infrastructure; advocacy for shared positions on funding for capital and program investments.
- iv. Facilitate knowledge sharing of best practices data and knowledge, for example lessons learned in roll out of organics collection, or efforts to support end market development for recycled waste streams
- v. Commission and manage delivery of work by external organisations on behalf of the Waste Working Group. These may include,
 - Benefits and pathways to remove glass from kerbside comingled system
 - Environmental and economic benefits of Thermal EfW / AWT in SEQ
 - Feasibility and benefits of Council ownership of new infrastructure
- vi. Coordinate the CoMSEQ ten year Roadmap for delivery and ensure that the Plan is reviewed every 3-5 years to consider progress, innovation opportunities and potential for updating.



10. Appendices

APPENDIX 1: MAJOR ASSUMPTIONS AND MODELLING APPROACH TO TOTAL SYSTEM ORGANICS COST

		Major assumptions	
Material Diverted	Tonnage of material diverted	Organics bin penetration	In all scenarios, organics bin of choice assumed to be at 80% of households by maturation (note this assumption does not substantially impact the relative cost of each option)
		Household behaviour	Households will shift 20% of the garden organics tonnage in the red bin into a GO or FOGO bin ⁵⁸ . Households will shift 60% of food organics in the red bin into a FO bin, and 40% of food organics into a FOGO bin
		Tonnage of self-haul	Where GO or FOGO bins are rolled out, 25% of self-haul green waste is assumed to now be captured in the kerbside bin (instead of self-haul) ⁵⁹
		Additional GO material 'created' by supplying bins	Where GO or FOGO bins are rolled out, the amount of garden organics produced by households is assumed to double
System cost	Additional collections cost	Collections frequency	Weekly for FOGO and FO, fortnightly for GO
		Cost per bin lift	\$1.3-2/lift based on bottom up modelling of bin lift costs in SEQ and Victoria; range reflects population density
	Organics processing costs	Mix of processing technologies	Clean GO streams processed at 80% mulch, 20% open windrow composting. FOGO and clean FO streams processed at 80% IVC, 20% AD Self-haul green waste treated as a clean GO stream and processed 100% through mulching.
		Processing cost rates	Range of gate fees triangulated from industry benchmarks and operator interviews
	Landfill cost savings	Landfill costs and levy	Cost per tonne of \$40-100, plus a non-rebated levy of \$95 (2025 level) assumed in analysis, with sensitivities for lower levy amounts
	General waste collections savings	Reduced collection frequency	Reduced general waste collection to fortnightly considered appropriate in FOGO weekly scenario only given odour risk in all other scenarios
Reduced yield		General waste bin collection costs per lift reduced by 0.25% for every 1% reduced in tonnes due to a lower bin yield requiring less travel time for collections trucks	
Source: Sustainability Victoria Introducing a kerbside food and garden organics collection service (MWRRG)			

⁵⁸ Based on Sustainability, Victoria targets which are informed by experience of 46 councils

⁵⁹ Based on approximate bin yields achieved at ~25% above Victoria's levels of tonnage shift (based on climate)

RTI RELEASE - DSDIL GP



Council of Mayors
South East Queensland

RTI RELEASE

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 1:54 PM
To: [Redacted]
Cc: [Redacted]
Subject: Redraft TLPI (ICC comments 29-11-21
Attachments: Redraft TLPI (ICC comments 29-11-21.docx

Hi [Redacted]

Please see reviewed draft TLPI – we have provided comments on the EfW policy matters, including definition. We have also made a couple of track changes and suggestion in relation to draft for consistency of line of sight through the document.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

Any questions please give Ben or I a call.

Thanks

[Redacted]



[Redacted]

Manager
Policy and Statutory Planning, Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – *meet now*

Sch. 4(4)(6) -
Disclosing personal
information

Level 3, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

statedevelopment.qld.gov.au



I acknowledge the traditional custodians of the lands and waters of Queensland.
I agree my respect in others past, present and emerging as we work towards a just,
equitable and renewed Australia.



**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R3]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from wastethis technology in Queensland. This emerging policy seeks and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significanthigh-levels of communitysignificant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

Commented [UM7R6]: For discussion with KF.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration of otherwise prejudice confidentiality of Cabinet considerations or operations

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

Commented [DG9]: Operation done through the EA framework.

Commented [ND10]: Insertion to address assessment of energy from waste development

Commented [BD11R10]: Capitalised as its defined?

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfills, Energy from Waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example landfills and Energy from Waste facilities.

Commented [DG12]: Consistent approach to TLPI – is dealing with all waste activities – shouldn't highlight 2 upfront.

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasingever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

Commented [UM13]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

Commented [BD14R13]: Mapping is titled (on plan) which needs consideration.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

Commented [KH15R13]: Need to review all plans/figures with UM

Commented [UM16R13]: noted

2.4. In particular, this TLPI seeks to:

Commented [KH17]: Discuss with UM if some of deleted section 2.4 is incorporated into background or not. Alternatively, incorporate into Deputy Premier announcement and letter to ICC.

- ~~(a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;~~
- ~~(b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;~~
- ~~(c) ensure the protection and improvement of the natural environment;~~
- ~~(d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and~~
- ~~(e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.~~

~~2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~2.7. This TLPI does not regulate composting that is domestic / home composting end products for self use (see AS 4454-2012) on a domestic scale.~~

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) ~~facilitate and manage the management of and appropriate restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;~~
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- ~~(d) the immediate and long-term protection and improvement of the natural environment.~~

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - ~~(i) Voids and end of life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and~~
 - ~~(ii)(i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and~~
 - ~~(ii) Ultimate site use considers and responds to the safety, geotechnical stability and~~

Commented [ND18]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD19]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [UM20R19]: As discussed, community engagement and information material should form part of council's collateral and not the statutory instrument.

Commented [ND21]: Amended to clarify purpose of TLPI

Commented [DG22]: The aim is the waste activity up front – this is the order that has been used throughout the rest of TLPI and attachment A code

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

~~(iii) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and~~

~~(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.~~

(c) includes additional definitions for Defined Uses and Use Classes for:

- (i) Clean Earth;
- (ii) Compost Manufacturing Enclosed;
- ~~(iii) Compost Manufacturing Unenclosed;~~
- ~~(iii)(iv) Energy from Waste Facility;~~
- ~~(iv)(v) Landfill;~~
- ~~(v)(vi) Void;~~
- ~~(vi)(vii) Resource Recovery Facility;~~
- ~~(vii)(viii) Restoring a Void; and~~
- ~~(viii)(ix) Waste Activity.~~

(d) includes two regulation areas:

- (i) Regulated Buffer Area; and
- (ii) Regulated Activity Area.

(e) prescribes the categories of assessment ~~and assessment benchmarks~~ for development subject to this instrument; and

(f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND23]: New section – provides context to address development involving energy from waste

Commented [UM24]: New definition, as TLPI now regulates EFW

Commented [DG25]: In definitions waste activity includes a majority of above uses – why is it in this list. And how does the 'defined uses and use classes' relate to waste activity as defined in the definitions? Needs to be considered as code is named resource recovery and waste activity. (attachment A)

3.3 ~~Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND26]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD27R26]: I feel that this has a place in the document, especially considering community perceptions.

Commented [KH28R26]: Propose to maintain deletion because it has less weight than deleted section 2.4 and repeats that section and is covered under purpose and other assessment weighting.

Commented [UM29R26]: As per previous comments, community information should form part of external collateral/web material / fact sheets etc.

PART 4 – DURATION OF TLPI

4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 23 January 2022.

4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.

- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3, Attachment A and B.**~~

Commented [ND30]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

- 6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3.**~~

Commented [ND31]: Inserted – previously section 6.1

~~6.2.6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA:** the "Resource Recovery and Waste Activity Code"; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria.**~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND32]: Deleted – table of assessment not an assessment benchmark

~~6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND33]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the **Table of Assessment in Attachment B.**~~

~~6.6. This TLPI includes definitions as set out below in **Attachment EC.**~~

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for~~

[self-use \(see AS 4454-2012\) on a domestic scale.](#)

Commented [ND34]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND35]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND36]: Inserted as Figures 1-3

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code 3 or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(d) land that has been scarred by affected by former mining operations activities is appropriately restored and made available for future uses.

Commented [ND37]: Deleted – heading contains content

Commented [UM39]: Updated for editing purposes.

Commented [UM39]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM40]: Part 3 of the TLPI.

Commented [UM41]: Added – provides link to the relevant assessment provisions for different locations ... [1]

Commented [BD42]: What's the purpose of this clause?

Commented [UM43R42]: To ensure that area specific provisions are addressed. i.e. to ensure that for an ... [2]

Commented [BD44]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protected ... [3]

Commented [KH45R44]: For discussion - consider amending to wording closer to the current TLPI overall ... [4]

Commented [ND46]: Amendments: ... [5]

Commented [ND47]: Ensure assessment benchmarks have pathway to escalate assessment of development ... [6]

Commented [BD48R47]: Have you also considered the place of small-scale energy from waste facilities and th ... [7]

Commented [UM49R47]: For discussion with KF

Commented [KH50R47]: Could adjust EFW definition to exclude anaerobic digestion and biogas, which all the s ... [8]

Commented [DG51R47]: Need to keep definition consistent with DES EFW policy – if you would like to er ... [9]

Commented [BD52]: This definition includes existing and proposed.

Commented [BD53]: Impacts could be well beyond noise, odour and dust.

Commented [UM54R53]: ?

Commented [KH55R53]: Other impacts are covered by other outcomes (eg visual, building size), while impac ... [10]

Commented [ND56]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND57]: Determining appropriateness of development will occur through assessment against r ... [11]

Commented [BD58R57]: Void restoration will not always occur under the MRA as not all voids have active mini ... [12]

Commented [UM59R57]: KH – for review please. Maybe we can state that for voids undergoing restoration th ... [13]

Commented [KH60R57]: Propose to retain but adjust wording slightly. This creates a purpose statement th ... [14]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Regulated Buffer Area ~~and whereis carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) ~~Particular Waste Activities in the Regulated Buffer Area do not occur;~~

(c) ~~Waste Activities are only established in the Regulated Activity Area where:~~

- (i) ~~obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
- (ii) ~~adverse environmental impacts on and beyond the premises are avoided;~~
- (iii) ~~any increase in environmental risk on and beyond the premises is avoided; and~~
- (iv) ~~adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - a. ~~Sensitive Receiving Uses are avoided; and~~

Commented [ND61]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD62]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

Commented [UM63R62]: It is not a support instrument. The TLPI seeks to maintain existing provisions which are balanced and performance based. The issue is the inequity/disparity between areas. For discussion with KH.

Commented [KH64R62]: Unclear what the issue is with composting enclosed. ICC resolved TLPI did provide for composting enclosed in the activity area. Door for landfill is ajar in Willowbank as per State objective but proposals still subject to assessment to determine suitability

- b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:
- (i) reduction in the ~~reasonable~~ improved management of the extent and intensity of adverse off-site impacts by improving operations;
 - (ii) improvements to the management of adverse off-site impacts by implementing best practice;
 - (iii) improved environmental performance;
- a. any non-compliance with existing development approvals being addressed;
- (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-
- (f)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (g) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
- (h) New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.
- Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

Commented [DG65]: Subjective – re word

Commented [DG66]: Potential EA matter need to ensure land use planning outcome focus

Commented [DG67]: Potential EA matter – need to ensure land use planning outcome focused - please put that lens across the balance.

Commented [ND68]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND69]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

Commented [ND70]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND71]: Inserted to refer to relevant table

Commented [ND72]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6) (4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which <u>contributes positively to the visual character of the area, especially as seen from the street visually attractive;</u> and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD73]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [UM74R73]: We can apply restoring a void throughout the TLPI. That is fine. But it needs to be articulated that that use would only apply to a former void where a ML or MRA is not active.

Commented [ND76]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND77]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	<u>No probable solution provided</u>
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
(7) <u>The use of premises for Restoring a Void uses:</u> (a) <u>materials sourced from the premises in priority to the importation of materials from other locations; and</u> (b) <u>for any shortfall, Clean Earth.</u>	<u>No probable solution provided</u>
Waste Activities	
(8) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	<u>No probable solution provided</u>
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	<u>No probable solution provided</u>
(10) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	<u>No probable solution provided</u>

Commented [ND78]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [KH79]: New specific outcome added to address ICC comments on specific outcome 3

Commented [ND80]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD81R80]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [UM82R80]: Acknowledge the issues with this and that most landfills will already have their RRA nominated as part of the EA, based on discussion with yesterday.

Commented [BD83]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Commented [UM84R83]: KH – please apply RRF benchmarks for standalone ones too please.

Commented [UM85]: Did this change from 3km to 5km? KH please check version that went to

Column 1 Specific Outcomes	Column 2 Probable Solutions
Filling and earthworks	
<p>(7)(11) Filling and earthworks and ongoing operations associated with Waste Activities:</p> <p>(a) for Landfill, exhaust prioritises use of materials existing on the premises in priority to the importation of other materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	No probable solution provided
<p>(8)(12) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(13) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing</p>	No probable solution provided

Commented [ND86]: Deleted – assessed under another specific outcome.

Commented [ND87]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND88]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM89]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Commented [UM90R89]: Not taken up – resolved.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect storm water management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
Stormwater and groundwater management	
<p>(14) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p>(a) <u>Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p>(b) <u>not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p>(c) <u>where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p>(d) <u>for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p>(e) <u>for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p>(f) <u>for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p>(g) <u>for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p>(h) <u>incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p>(i) <u>for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p>(j) <u>does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p>(k) <u>where possible, avoid complex and technical management systems.</u></p>	<p>No probable solution provided</p>
<p>(10)(15) <u>Waste Activities or Restoring a Void are designed, operated and</u></p>	<p>No probable solution provided</p>

Commented [ND91]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies <u>for impacts on Sensitive Receiving Uses are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above.</u> 	
<p>(11) <u>New, changed or expanded Waste Activities or Restoring a Void:</u></p> <ul style="list-style-type: none"> (a) <u>must demonstrate that improved amenity, environmental and community outcomes will be achieved;</u> and (b) <u>avoid all detrimental amenity, environmental or community impacts;</u> and (c) <u>do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</u> 	No probable solution provided
<p>(12) <u>The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</u></p> <ul style="list-style-type: none"> (a) <u>the diversion of the waste stream entering the site to:</u> <ul style="list-style-type: none"> (i) <u>increase the re-use, recycling and recovery of waste resources;</u> and (ii) <u>a reduction in demand for Landfill.</u> 	No probable solution provided

Commented [ND92]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD93R92]: Isn't this clause now unclear?

Commented [UM94R92]: Addressed

Commented [ND95]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD96R95]: Is this an assessment benchmark for code assessment in the new location?

Commented [UM97R95]: KH – please verify. Purpose statement is the assessment benchmark. This is a motherhood statement and doesn't need to be replicated in the code, only if it needs further 'unpacking' should it go into an SO. But I would've through the balance of management measures would suffice.

Commented [ND98]: Deleted. New specific outcome added above.

Commented [BD99R98]: I don't think the new SO works as noted above.

Commented [UM100R98]: Noted. As a result of RRA and ERA's nominating them already. Needs to have separate RRF benchmarks for standalone activities.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [ND101]: Amended. To reflect amendments to the code.

Commented [UM102]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD103]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [UM104R103]: Noted let's apply it.

Commented [BD105]: Broader assessment benchmarks required. Check references to sections.

Commented [UM106R105]: KH – do you know what is meant by this and comment below? The code itself in its entirety is referenced as a relevant criteria, and the table specifying which SO's apply is therefore used for specifics.

Commented [BD107]: As above.

Commented [BD108]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [UM109R108]: ?

Commented [BD110]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM111]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) *the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;*
- (b) *the storing of waste materials*

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8-88.9 **“Restoring a void”** means–

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND112]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

Commented [BD113R112]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

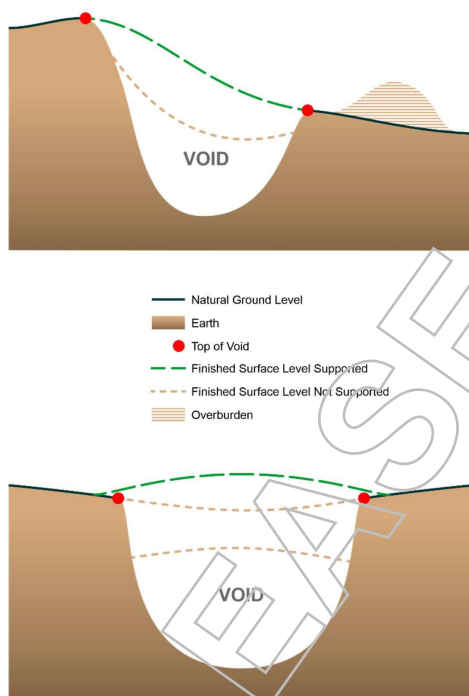
Commented [UM114R112]: For discussion with KF

Commented [DG115]: B) is inconsistent with DES policy definitions – the storing of waste for feedstock could be considered ancillary to the use. Or the storage could form part of the waste activity definition – storing of waste materials.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.148.12 **“Top of a Void”** means—
(a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
(a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.148.15 **“Waste Activity”** means—
(a) the use of premises for:
(i) “Compost Manufacturing Enclosed”;
(ii) “Compost Manufacturing Unenclosed”;
(#)(iii) **“Energy from Waste Facility”**

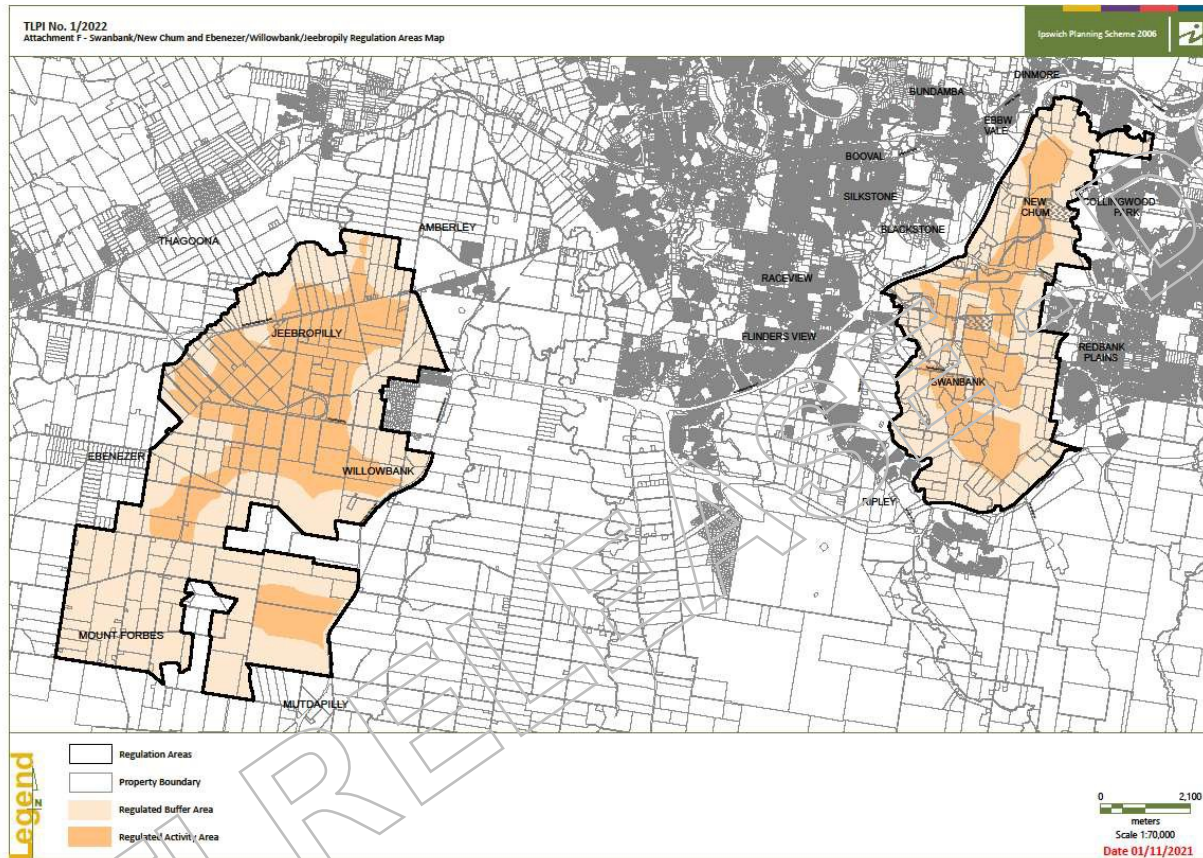
Commented [ND116]: Inserted to ensure provisions apply to energy from waste activities

(iii)(iv) "Landfill";
(iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT **FIGURE 1: TLPI BOUNDARY**



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD117]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

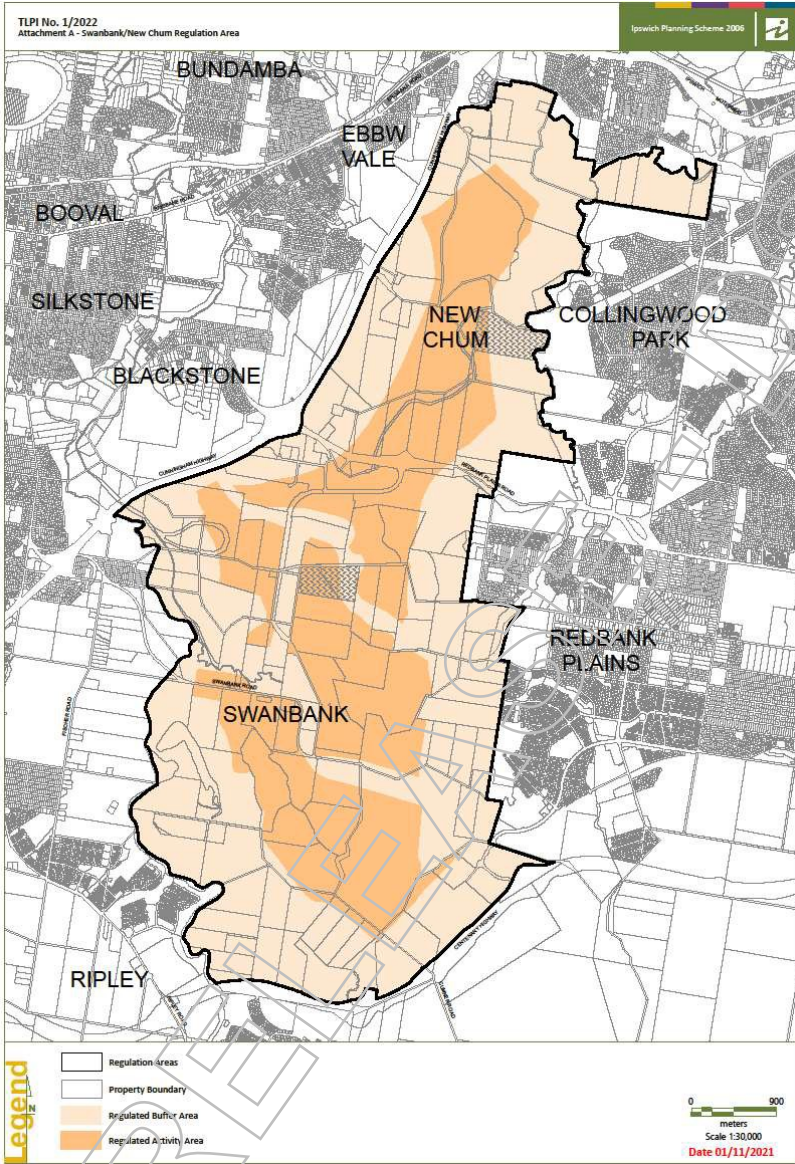
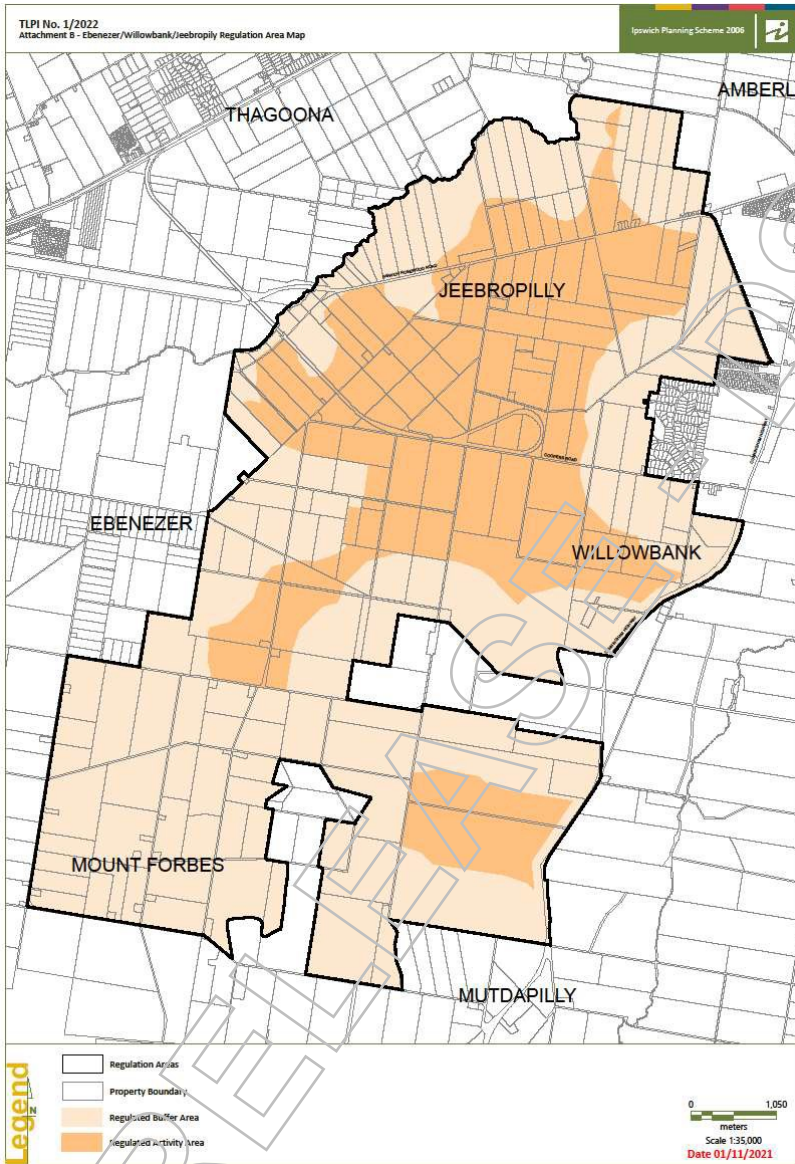


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

Page 12: [1] Commented [UM41] [] **29/11/2021 9:13:00 AM**

Added – provides link to the relevant assessment provisions for different locations within TLPI.

Page 12: [2] Commented [UM43R42] [] **30/11/2021 10:25:00 AM**

To ensure that area specific provisions are addressed. i.e. to ensure that for an application in swanbank, relevant SO's are addressed as part of the common material to ensure compliance. This doesn't need to be in there.

Page 12: [3] Commented [BD44] [] **29/11/2021 1:58:00 PM**

Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.

Page 12: [4] Commented [KH45R44] [] **29/11/2021 4:31:00 PM**

For discussion - consider amending to wording closer to the current TLPI overall outcomes – do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses. This avoids any dispute on wording differences.

Page 12: [5] Commented [ND46] [] **28/11/2021 4:13:00 PM**

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [6] Commented [ND47] [] **28/11/2021 4:18:00 PM**

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [7] Commented [BD48R47] [] **29/11/2021 2:00:00 PM**

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [8] Commented [KH50R47] [] **30/11/2021 10:42:00 AM**

Could adjust EfW definition to exclude anaerobic digestion and biogas, which all the small scale facilities in Aus are. This should also enable any landfills to set up methane capture biogas (eg Ti-Tree Willowbank)

Page 12: [9] Commented [DG51R47] [] **30/11/2021 1:40:00 PM**

Need to keep definition consistent with DES EfW policy – if you would like to ensure smaller scale facility are ok or as per e.g. provided by [] – consider including examples in the list.

Page 12: [10] Commented [KH55R53] [] **30/11/2021 10:46:00 AM**

Other impacts are covered by other outcomes (eg visual, building size), while impacts from traffic can be addressed by existing planning scheme.

Page 12: [11] Commented [ND57] [] **28/11/2021 4:20:00 PM**

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [12] Commented [BD58R57] [] **29/11/2021 2:03:00 PM**

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

▲ **Page 12: [13] Commented [UM59R57]**

30/11/2021 10:28:00 AM

KH – for review please. Maybe we can state that for voids undergoing restoration that are not subject to ML or MRA, then this clause applies. Makes sense.

▲ **Page 12: [14] Commented [KH60R57]**

30/11/2021 10:54:00 AM

Propose to retain but adjust wording slightly. This creates a purpose statement that links between TLPI purpose statement and code overall outcome statement

RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 2:00 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Redraft TLPI (ICC comments 29-11-21)

Thank you so much to you and the team.

Noted – will incorporate suggestion into confidential aspect of BN.

SEQ Waste Management Plan assessment coming your way soon.

Regards,

[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning

Sch. 4(4)(6) -
Disclosing personal
information

ASSESS - DSDILGP

From: [Redacted]

Sent: Tuesday, 30 November 2021 1:54 PM

[Redacted]

Subject: Redraft TLPI (ICC comments 29-11-21)

Hi [Redacted]

Please see reviewed draft TLPI – we have provided comments on the EfW policy matters, including definition. We have also made a couple of track changes and suggestion in relation to draft for consistency of line of sight through the document.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

Any questions please give or I a call.

Thanks



Manager
Policy and Statutory Planning, Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) -
Disclosing personal
information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



SDIL GP

RTI RELEASE

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 2:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Redraft TLPI (ICC comments 29-11-21)
Attachments: Redraft TLPI (ICC comments 29-11-21.docx

Hi [Redacted]

Can you please incorporate [Redacted] comments into our master document?

I think we should resave this document with [Redacted] comments as a new version so that we can maintain a level of version control/line of sight on changes etc.

Thanks,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

From: [Redacted]

Sent: Tuesday, 30 November 2021 1:54 PM

[Redacted]

Subject: Redraft TLPI (ICC comments 29-11-21)

Hi [Redacted]

Please see reviewed draft TLPI – we have provided comments on the EfW policy matters, including definition. We have also made a couple of track changes and suggestion in relation to draft for consistency of line of sight through the document.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

Any questions please give or I a call.

Thanks



**Queensland
Government**

Manager
Policy and Statutory Planning, Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) -
Disclosing personal
information

Level 3, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R3]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from wastethis technology in Queensland. This emerging policy seeks and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significanthigh-levels of communitysignificant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

Commented [UM7R6]: For discussion with KF.

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

Commented [DG9]: Operation done through the EA framework.

Commented [ND10]: Insertion to address assessment of energy from waste development

Commented [BD11R10]: Capitalised as its defined?

Commented [DG12]: Consistent approach to TLPI – is dealing with all waste activities – shouldn't highlight 2 upfront.

Commented [UM13]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

Commented [BD14R13]: Mapping is titled (on plan) which needs consideration.

Commented [KH15R13]: Need to review all plans/figures with UM

Commented [UM16R13]: noted

Commented [KH17]: Discuss with UM if some of deleted section 2.4 is incorporated into background or not. Alternatively, incorporate into Deputy Premier announcement and letter to ICC.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfills, Energy from Waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example landfills and Energy from Waste facilities.

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasingever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- ~~(a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;~~
- ~~(b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;~~
- ~~(c) ensure the protection and improvement of the natural environment;~~
- ~~(d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and~~
- ~~(e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.~~

~~2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~2.7. This TLPI does not regulate composting that is domestic / home composting end products for self use (see AS 4454-2012) on a domestic scale.~~

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) ~~facilitate and manage the management of and appropriate restoration of areas affected by past mining operations and that has been scarred by the legacy impacts of former mining activities;~~
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- ~~(d) the immediate and long-term protection and improvement of the natural environment.~~

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - ~~(i) Voids and end of life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and~~
 - ~~(ii)(i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and~~
 - ~~(ii) Ultimate site use considers and responds to the safety, geotechnical stability and~~

Commented [ND18]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD19]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [UM20R19]: As discussed, community engagement and information material should form part of council's collateral and not the statutory instrument.

Commented [ND21]: Amended to clarify purpose of TLPI

Commented [DG22]: The aim is the waste activity up front – this is the order that has been used throughout the rest of TLPI and attachment A code

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

- (iii) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and
- (iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.

- (c) includes additional definitions for Defined Uses and Use Classes for:
 - (i) Clean Earth;
 - (ii) Compost Manufacturing Enclosed;
 - (iii) Compost Manufacturing Unenclosed;
 - ~~(iii)~~(iv) Energy from Waste Facility;
 - ~~(iv)~~(v) Landfill;
 - ~~(v)~~(vi) Void;
 - ~~(vi)~~(vii) Resource Recovery Facility;
 - ~~(vii)~~(viii) Restoring a Void; and
 - ~~(viii)~~(ix) Waste Activity.
- (d) includes two regulation areas:
 - (i) Regulated Buffer Area; and
 - (ii) Regulated Activity Area.
- (e) prescribes the categories of assessment and assessment benchmarks for development subject to this instrument; and
- (f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND23]: New section – provides context to address development involving energy from waste

Commented [UM24]: New definition, as TLPI now regulates EfW

Commented [DG25]: In definitions waste activity includes a majority of above uses – why is it in this list. And how does the 'defined uses and use classes' relate to waste activity as defined in the definitions? Needs to be considered as code is named resource recovery and waste activity. (attachment A)

3.3 Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:

- (a) protect the amenity of residential and other sensitive uses within Ipswich;
- (b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;
- (c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;
- (d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and
- (e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.

Commented [ND26]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD27R26]: I feel that this has a place in the document, especially considering community perceptions.

Commented [KH28R26]: Propose to maintain deletion because it has less weight than deleted section 2.4 and repeats that section and is covered under purpose and other assessment weighting.

Commented [UM29R26]: As per previous comments, community information should form part of external collateral/web material / fact sheets etc.

PART 4 – DURATION OF TLPI

- 4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 23 January 2022.
- 4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.

- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3**, **Attachment A and B**.~~

Commented [ND30]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

- 6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.~~

Commented [ND31]: Inserted – previously section 6.1

~~6.2.6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA**: the "Resource Recovery and Waste Activity Code"; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria**.~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND32]: Deleted – table of assessment not an assessment benchmark

~~6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND33]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the **Table of Assessment in Attachment B**.~~

~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for~~

[self-use \(see AS 4454-2012\) on a domestic scale.](#)

Commented [ND34]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND35]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND36]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code 3 or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(d) land that has been scarred by affected by former mining operations activities is appropriately restored and made available for future uses.

Commented [ND37]: Deleted – heading contains content

Commented [UM39]: Updated for editing purposes.

Commented [UM39]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM40]: Part 3 of the TLPI.

Commented [UM41]: Added – provides link to the relevant assessment provisions for different locations ... [1]

Commented [BD42]: What's the purpose of this clause?

Commented [UM43R42]: To ensure that area specific provisions are addressed. i.e. to ensure that for an ... [2]

Commented [BD44]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protected ... [3]

Commented [KH45R44]: For discussion - consider amending to wording closer to the current TLPI overall ... [4]

Commented [ND46]: Amendments: ... [5]

Commented [ND47]: Ensure assessment benchmarks have pathway to escalate assessment of development ... [6]

Commented [BD48R47]: Have you also considered the place of small-scale energy from waste facilities and th ... [7]

Commented [UM49R47]: For discussion with KF

Commented [KH50R47]: Could adjust EFW definition to exclude anaerobic digestion and biogas, which all the s ... [8]

Commented [DG51R47]: Need to keep definition consistent with DES EFW policy – if you would like to er ... [9]

Commented [BD52]: This definition includes existing and proposed.

Commented [BD53]: Impacts could be well beyond noise, odour and dust.

Commented [UM54R53]: ?

Commented [KH55R53]: Other impacts are covered by other outcomes (eg visual, building size), while impac ... [10]

Commented [ND56]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND57]: Determining appropriateness of development will occur through assessment against r ... [11]

Commented [BD58R57]: Void restoration will not always occur under the MRA as not all voids have active mini ... [12]

Commented [UM59R57]: KH – for review please. Maybe we can state that for voids undergoing restoration th ... [13]

Commented [KH60R57]: Propose to retain but adjust wording slightly. This creates a purpose statement th ... [14]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Regulated Buffer Area ~~and whereis carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) ~~Particular Waste Activities in the Regulated Buffer Area do not occur;~~

(c) ~~Waste Activities are only established in the Regulated Activity Area where:~~

- (i) ~~obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
- (ii) ~~adverse environmental impacts on and beyond the premises are avoided;~~
- (iii) ~~any increase in environmental risk on and beyond the premises is avoided; and~~
- (iv) ~~adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - a. ~~Sensitive Receiving Uses are avoided; and~~

Commented [ND61]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD62]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

Commented [UM63R62]: It is not a support instrument. The TLPI seeks to maintain existing provisions which are balanced and performance based. The issue is the inequity/disparity between areas. For discussion with KH.

Commented [KH64R62]: Unclear what the issue is with composting enclosed. ICC resolved TLPI did provide for composting enclosed in the activity area. Door for landfill is ajar in Willowbank as per State objective but proposals still subject to assessment to determine suitability

- b. ~~on any other use of adjoining and nearby premises are minimised and best practice management is implemented;~~
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:
- (i) ~~reduction in the reasonable improved management of the extent and intensity of adverse off-site impacts by improving operations;~~
 - (ii) improvements to the management of adverse off-site impacts ~~by implementing best practice;~~
 - (iii) improved environmental performance;
- a. ~~any non-compliance with existing development approvals being addressed;~~
- (e) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-~~
- (f)(g) ~~New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.~~
- (g) ~~High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.~~
- (h) ~~New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.~~
- ~~Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.~~

Commented [DG65]: Subjective – re word

Commented [DG66]: Potential EA matter need to ensure land use planning outcome focus

Commented [DG67]: Potential EA matter – need to ensure land use planning outcome focused - please put that lens across the balance.

Commented [ND68]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND69]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

Commented [ND70]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND71]: Inserted to refer to relevant table

Commented [ND72]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD73]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [UM74R73]: We can apply restoring a void throughout the TLPI. That is fine. But it needs to be articulated that that use would only apply to a former void where a ML or MRA is not active.

Commented [ND76]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND77]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	<u>No probable solution provided</u>
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
(7) <u>The use of premises for Restoring a Void uses:</u> (a) <u>materials sourced from the premises in priority to the importation of materials from other locations; and</u> (b) <u>for any shortfall, Clean Earth.</u>	<u>No probable solution provided</u>
Waste Activities	
(8) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	<u>No probable solution provided</u>
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	<u>No probable solution provided</u>
(10) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	<u>No probable solution provided</u>

Commented [ND78]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [KH79]: New specific outcome added to address ICC comments on specific outcome 3

Commented [ND80]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD81R80]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [UM82R80]: Acknowledge the issues with this and that most landfills will already have their RRA nominated as part of the EA, based on discussion with yesterday.

Commented [BD83]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Commented [UM84R83]: KH – please apply RRF benchmarks for standalone ones too please.

Commented [UM85]: Did this change from 3km to 5km? KH please check version that went to

Column 1 Specific Outcomes	Column 2 Probable Solutions
Filling and earthworks	
<p>(7)(11) Filling and earthworks and ongoing operations associated with Waste Activities:</p> <p>(a) for Landfill, exhaust prioritises use of materials existing on the premises in priority to the importation of other materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	No probable solution provided
<p>(8)(12) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(13) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing</p>	No probable solution provided

Commented [ND86]: Deleted – assessed under another specific outcome.

Commented [ND87]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND88]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM89]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Commented [UM90R89]: Not taken up – resolved.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect storm water management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
Stormwater and groundwater management	
<p>(14) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p>(a) <u>Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p>(b) <u>not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p>(c) <u>where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p>(d) <u>for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p>(e) <u>for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p>(f) <u>for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p>(g) <u>for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p>(h) <u>incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p>(i) <u>for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p>(j) <u>does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p>(k) <u>where possible, avoid complex and technical management systems.</u></p>	<p>No probable solution provided</p>
<p>(10)(15) <u>Waste Activities or Restoring a Void are designed, operated and</u></p>	<p>No probable solution provided</p>

Commented [ND91]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above. 	
<p>(11) New, changed or expanded Waste Activities or Restoring a Void:</p> <ul style="list-style-type: none"> (a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and (b) avoid all detrimental amenity, environmental or community impacts; and (c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above. 	No probable solution provided
<p>(12) The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</p> <ul style="list-style-type: none"> (a) the diversion of the waste stream entering the site to: <ul style="list-style-type: none"> (i) increase the re-use, recycling and recovery of waste resources; and (ii) a reduction in demand for Landfill. 	No probable solution provided

Commented [ND92]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD93R92]: Isn't this clause now unclear?

Commented [UM94R92]: Addressed

Commented [ND95]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD96R95]: Is this an assessment benchmark for code assessment in the new location?

Commented [UM97R95]: KH – please verify. Purpose statement is the assessment benchmark. This is a motherhood statement and doesn't need to be replicated in the code, only if it needs further 'unpacking' should it go into an SO. But I would've through the balance of management measures would suffice.

Commented [ND98]: Deleted. New specific outcome added above.

Commented [BD99R98]: I don't think the new SO works as noted above.

Commented [UM100R98]: Noted. As a result of RRA and ERA's nominating them already. Needs to have separate RRF benchmarks for standalone activities.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [ND101]: Amended. To reflect amendments to the code.

Commented [UM102]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD103]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [UM104R103]: Noted let's apply it.

Commented [BD105]: Broader assessment benchmarks required. Check references to sections.

Commented [UM106R105]: KH – do you know what is meant by this and comment below? The code itself in its entirety is referenced as a relevant criteria, and the table specifying which SO's apply is therefore used for specifics.

Commented [BD107]: As above.

Commented [BD108]: Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

Commented [UM109R108]: ?

Commented [BD110]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM111]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) green waste;
- (ix) poultry processing waste;
- (x) waste generated from an abattoir; but

(b)(a) does not include—

- (i) biosecurity waste; or (ii) clinical or related waste; or
- (ii) contaminated soil; or
- (iii) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;
- (b) the storing of waste materials

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means—

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8-88.9 **“Restoring a void”** means—

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND112]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

Commented [BD113R112]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

Commented [UM114R112]: For discussion with KF

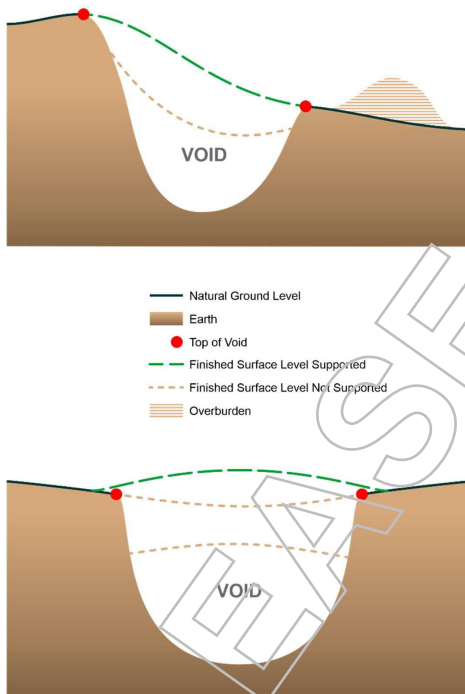
Commented [DG115]: B) is inconsistent with DES policy definitions – the storing of waste for feedstock could be considered ancillary to the use. Or the storage could form part of the waste activity definition – storing of waste materials.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.148.12 **“Top of a Void”** means—

- (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—

- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.148.15 **“Waste Activity”** means—

- (a) the use of premises for:
- (i) “Compost Manufacturing Enclosed”;
 - (ii) “Compost Manufacturing Unenclosed”;
 - (#)(iii) **“Energy from Waste Facility”**;

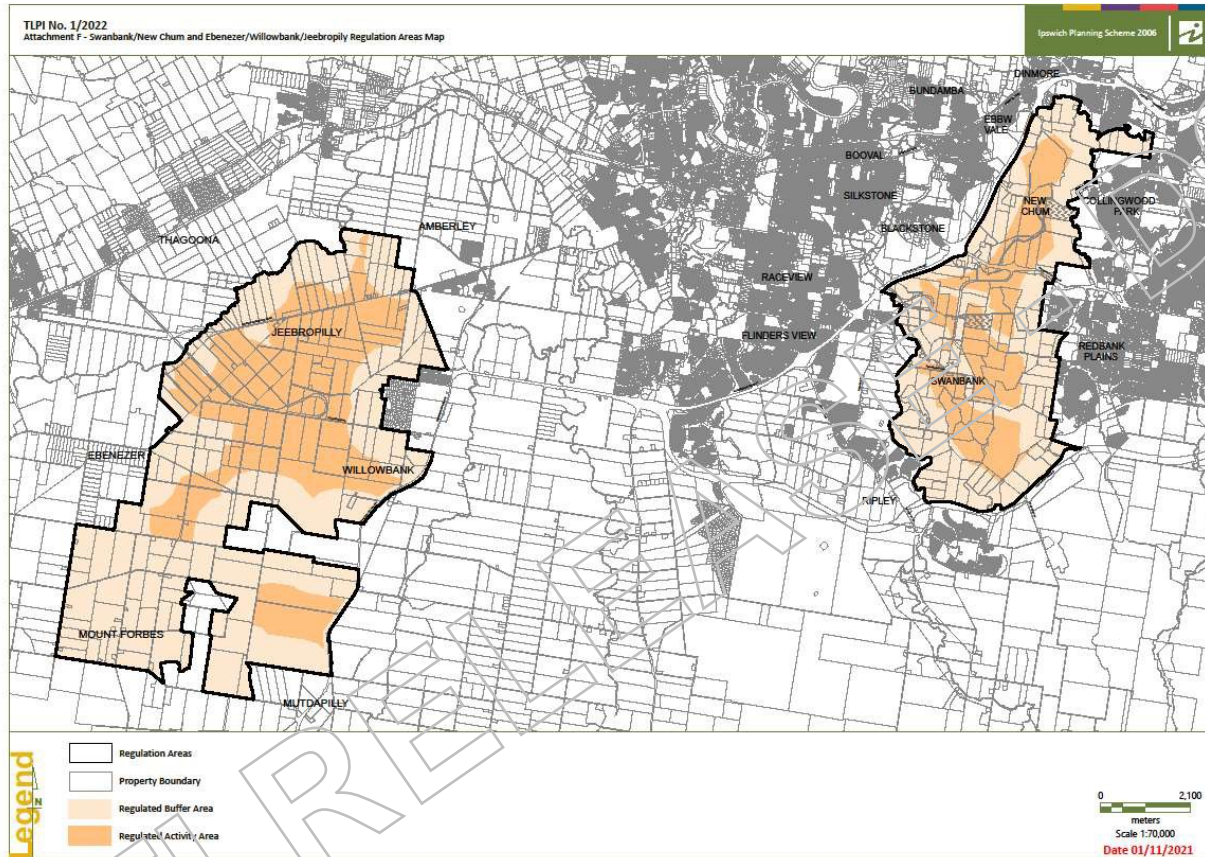
Commented [ND116]: Inserted to ensure provisions apply to energy from waste activities

(iii)(iv) "Landfill";
(iv)(v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT FIGURE 1: TLPI BOUNDARY



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD117]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

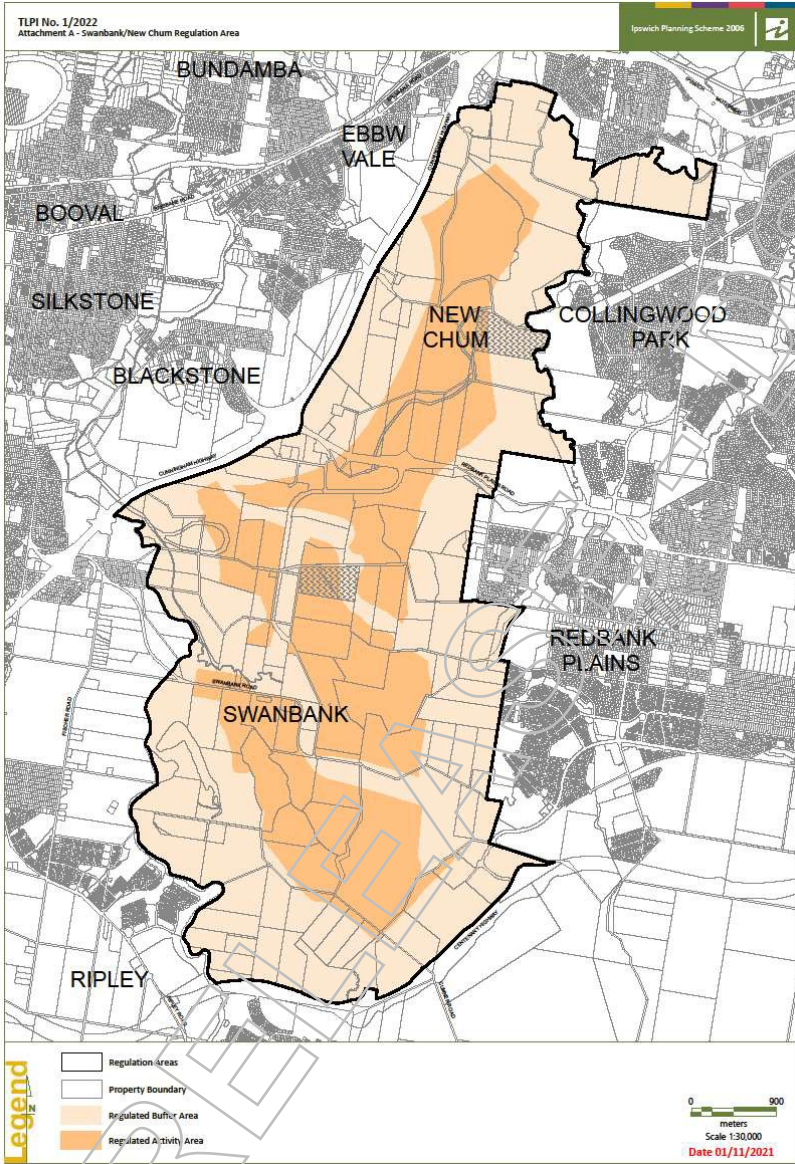
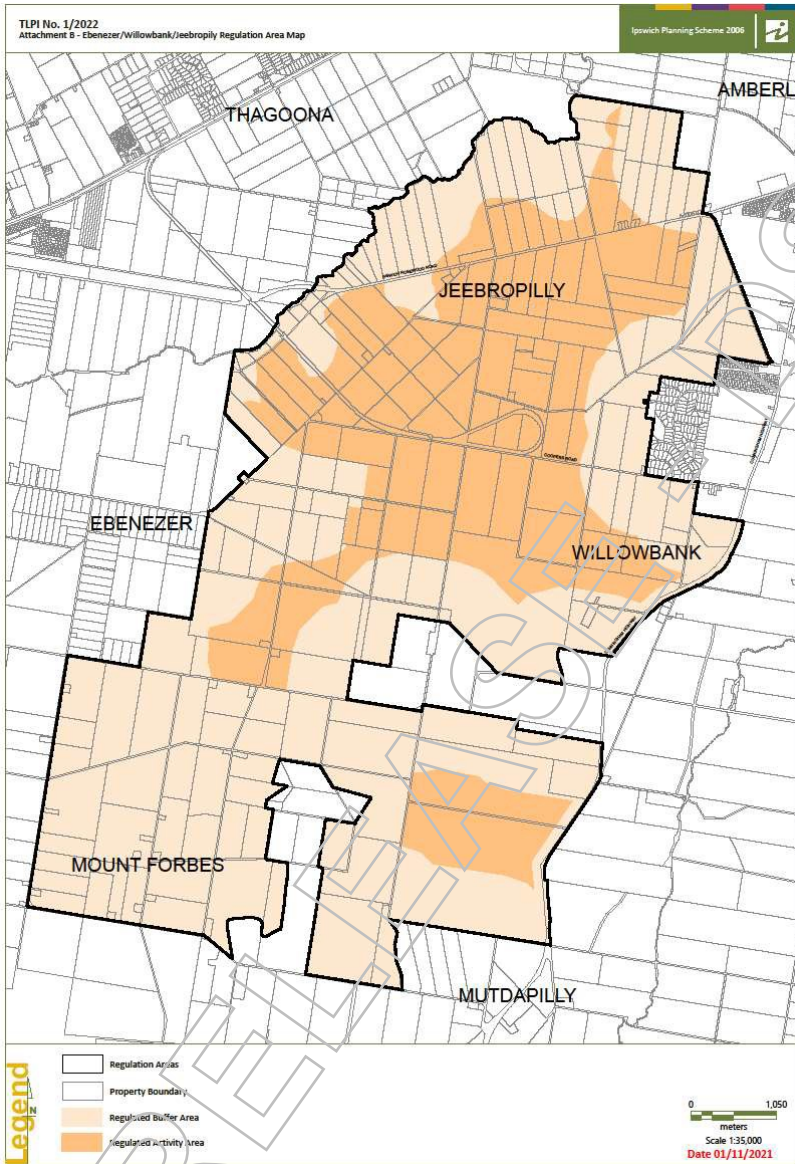


FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP



RTI RELEASE - DSDILGP

Page 12: [1] Commented [UM41] [redacted] **29/11/2021 9:13:00 AM**

Added – provides link to the relevant assessment provisions for different locations within TLPI.

Page 12: [2] Commented [UM43R42] [redacted] **30/11/2021 10:25:00 AM**

To ensure that area specific provisions are addressed. i.e. to ensure that for an application in swanbank, relevant SO's are addressed as part of the common material to ensure compliance. This doesn't need to be in there.

Page 12: [3] Commented [BD44] [redacted] **29/11/2021 1:58:00 PM**

Entirely vs Adequate in this section is problematic. Also note the use of adequately protected is also applied to resorting a void, which is a much preferable outcome compared to landfill.

Page 12: [4] Commented [KH45R44] [redacted] **29/11/2021 4:31:00 PM**

For discussion - consider amending to wording closer to the current TLPI overall outcomes – do not have a detrimental impact on the amenity of the surrounding area, particularly on existing, approved or planned residential areas or other sensitive receiving uses. This avoids any dispute on wording differences.

Page 12: [5] Commented [ND46] [redacted] **28/11/2021 4:13:00 PM**

Amendments:

- Ensured that the different assessment benchmarks that apply to each area have a pathway to escalated to appropriately assess development against the purpose of the TLPI (provides head of power to condition / refuse development)
- Ensure that the purpose contains provisions that allow for appropriate decisions to be made (i.e. approval w/conditions v refusal)
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area

Page 12: [6] Commented [ND47] [redacted] **28/11/2021 4:18:00 PM**

Ensure assessment benchmarks have pathway to escalate assessment of development applications against the purpose of the TLPI (provides head of power to condition / refuse development)

Page 12: [7] Commented [BD48R47] [redacted] **29/11/2021 2:00:00 PM**

Have you also considered the place of small-scale energy from waste facilities and the potential for landfill gas electricity generation? Landfill gas electricity generation could be captured in this definition?

Page 12: [8] Commented [KH50R47] [redacted] **30/11/2021 10:42:00 AM**

Could adjust EfW definition to exclude anaerobic digestion and biogas, which all the small scale facilities in Aus are. This should also enable any landfills to set up methane capture biogas (eg Ti-Tree Willowbank)

Page 12: [9] Commented [DG51R47] [redacted] **30/11/2021 1:40:00 PM**

Need to keep definition consistent with DES EfW policy – if you would like to ensure smaller scale facility are ok or as per e.g. provided b [redacted] consider including examples in the list.

Page 12: [10] Commented [KH55R53] [redacted] **30/11/2021 10:46:00 AM**

Other impacts are covered by other outcomes (eg visual, building size), while impacts from traffic can be addressed by existing planning scheme.

Page 12: [11] Commented [ND57] [redacted] **28/11/2021 4:20:00 PM**

Determining appropriateness of development will occur through assessment against relevant assessment benchmarks.

Restoration of mining voids may occur under the conditions of the mining activity – will not require assessment against the TLPI.

Page 12: [12] Commented [BD58R57] [redacted] **29/11/2021 2:03:00 PM**

Void restoration will not always occur under the MRA as not all voids have active mining tenures. Where there are active mining tenures, the tenure holder is arguing that landfill is an appropriate restoration response. This clause could be important with that in mind.

▲ **Page 12: [13] Commented [UM59R57]**

30/11/2021 10:28:00 AM

KH – for review please. Maybe we can state that for voids undergoing restoration that are not subject to ML or MRA, then this clause applies. Makes sense.

▲ **Page 12: [14] Commented [KH60R57]**

30/11/2021 10:54:00 AM

Propose to retain but adjust wording slightly. This creates a purpose statement that links between TLPI purpose statement and code overall outcome statement

RTI RELEASE - DSDILGP

[Redacted]

From: [Redacted]
Sent: Tuesday, 30 November 2021 2:04 PM
To: [Redacted]
Subject: FW: Redraft TLPI (ICC comments 29-11-21
Attachments: Redraft TLPI (ICC comments 29-11-21.docx

Hi [Redacted]

As per below, we have been advised to add the following to a confidential section of the BN.

Is this something that we can provide to CU?

Regards,
[Redacted]



[Redacted]

Planning Manager
SEQ West
Department of State Development, Infrastructure,
Local Government and Planning
Sch. 4(4)(6) -
Disclosing personal
information

SEE - DSD I L GP

From: [Redacted]

Sent: Tuesday, 30 November 2021 1:54 PM

[Redacted]

Subject: Redraft TLPI (ICC comments 29-11-21

Hi [Redacted]

Please see reviewed draft TLPI – we have provided comments on the EfW policy matters, including definition. We have also made a couple of track changes and suggestion in relation to draft for consistency of line of sight through the document.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

Any questions please give [Redacted] or I a call.

Thanks



Manager
Policy and Statutory Planning, Planning Group
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – meet now

Sch. 4(4)(6) -
Disclosing personal
information

Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



RTI RELEASE SE - SDIL GP

**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1
of 2022 (RESOURCE RECOVERY AND WASTE
ACTIVITY REGULATION)**

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

- 1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation).

BACKGROUND

Context

1.2. In 2018-19 Queenslanders generated 11.04 million tonnes of waste. Approximately 1.23 million tonnes of that waste was disposed of in private landfills in Ipswich. About 94% of waste sent to landfill was generated outside of Ipswich (including inter-State) and primarily consisted of construction and demolition (C&D) waste and commercial and industrial (C&I) waste streams. Around 6% of waste processed in Ipswich was from Ipswich and other South East Queensland local government municipal household waste streams which includes food and organic waste. Over time, owing to a number of factors, less waste material has been recycled, particularly in the construction industry which is major source of overall waste volume.

1.3. The amount of waste received, processed and disposed of in Ipswich has dramatically increased in recent times as a result of, amongst other things: the city's geo-strategic location as a growth corridor in South East Queensland; the presence of, and increased private industry interest in the development of former mine sites and voids for landfill; proximity to high-growth residential and industrial areas; and the presence of existing waste disposal sites and resource recovery facilities. This rapid growth in waste volume and waste operations across the City has seen an explosion of community concern and complaints about waste activities and adverse impacts that are directly experienced by the wider community at sensitive receptors.

1.4.1.2 In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. ~~The prior~~ These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

1.3. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

This TLPI adopts, supports and implements the [Ipswich City Council's Waste and Circular](#)

Commented [UM1]: Content not appropriate for Minister TLPI - level of impartiality required. Also waste generation is beyond the scope of the TLPI. The TLPI focuses on waste management/assessment, therefore the background needs to reflect this.

Commented [BD2R1]: Noted.

Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also and responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

Commented [UM3]: Incorporated reference to Directive, as later section in overview where originally referenced has been removed.

Commented [BD4R3]: Noted, I still think it has a place beyond a context piece.

1.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

1.5. The Queensland Government is undertaking a range of policy work, including and consultation to determine the appropriate role and use of energy from wastethis technology in Queensland. This emerging policy seeks and to ensure human health and the environment area protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significanthigh-levels of communitysignificant community interest in Ipswich concerned about the absence of any regulation. It is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

Commented [ND5]: New section – provides context to address waste from energy technology

Commented [BD6]: Should this also state that the policy work has not been completed and is expected to evolve over time.

Commented [UM7R6]: For discussion with KF.

Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations

The Planning Challenge

1.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

Commented [DG9]: Operation done through the EA framework.

Commented [ND10]: Insertion to address assessment of energy from waste development

Commented [BD11R10]: Capitalised as its defined?

Commented [DG12]: Consistent approach to TLPI – is dealing with all waste activities – shouldn't highlight 2 upfront.

Commented [UM13]: Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

Commented [BD14R13]: Mapping is titled (on plan) which needs consideration.

Commented [KH15R13]: Need to review all plans/figures with UM

Commented [UM16R13]: noted

Commented [KH17]: Discuss with UM if some of deleted section 2.4 is incorporated into background or not. Alternatively, incorporate into Deputy Premier announcement and letter to ICC.

PART 2 – OVERVIEW

2.1. This TLPI provides an interim policy response in respect to the operation of landfills, Energy from Waste facilities and other Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example landfills and Energy from Waste facilities.

2.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever increasingever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

2.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

2.4. In particular, this TLPI seeks to:

- ~~(a) provide a regulatory framework for new or expanded Waste Activities to ensure land within the TLPI Boundary is developed appropriately;~~
- ~~(b) facilitate and manage the appropriate waste activities associated with the restoration of land that has been adversely impacted by the legacy impacts of former mining activity landies;~~
- ~~(c) ensure the protection and improvement of the natural environment;~~
- ~~(d) ensure the protection of existing, approved and planned surrounding land zoned for residential purposes and other sensitive receiving uses from the adverse impacts of waste activities including odour, dust, noise, air quality, and amenity (including landscape character and visual amenity); and~~
- ~~(e) facilitate the land use outcomes sought by the Ipswich City Council's Waste and Circular Economy Transformation Directive.~~

~~2.5. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~2.6. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~2.7. This TLPI does not regulate composting that is domestic / home composting end products for self use (see AS 4454-2012) on a domestic scale.~~

PART 3 – PURPOSE OF THE TLPI

3.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:

- (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
- (b) ~~facilitate and manage the management of and appropriate restoration of areas affected by past mining operations land that has been scarred by the legacy impacts of former mining activities;~~
- (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
- ~~(d) the immediate and long-term protection and improvement of the natural environment.~~

3.2. To achieve this purpose, the TLPI—

- (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in part 7.
- (b) includes the following additional Strategic Outcomes (called "Desired Environmental Outcomes" in the Planning Scheme) for the local government area:
 - ~~(i) Voids and end of life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and~~
 - ~~(ii)(i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and~~
 - ~~(ii) Ultimate site use considers and responds to the safety, geotechnical stability and~~

Commented [ND18]: Sections 2.4 – deleted on the basis content is included in Part 3

Sections 2.5–2.7 – deleted on the basis content is included in Part 6

Commented [BD19]: This section helps to inform the community and industry without having to follow the breadcrumbs throughout the document.

Commented [UM20R19]: As discussed, community engagement and information material should form part of council's collateral and not the statutory instrument.

Commented [ND21]: Amended to clarify purpose of TLPI

Commented [DG22]: The aim is the waste activity up front – this is the order that has been used throughout the rest of TLPI and attachment A code

releases to the environment including the visual impact that the final landform of the site might have on a natural setting.

~~(iii) Voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and~~

~~(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts.~~

(c) includes additional definitions for Defined Uses and Use Classes for:

- (i) Clean Earth;
- (ii) Compost Manufacturing Enclosed;
- ~~(iii) Compost Manufacturing Unenclosed;~~
- ~~(iii)(iv) Energy from Waste Facility;~~
- ~~(iv)(v) Landfill;~~
- ~~(v)(vi) Void;~~
- ~~(vi)(vii) Resource Recovery Facility;~~
- ~~(vii)(viii) Restoring a Void; and~~
- ~~(viii)(ix) Waste Activity.~~

(d) includes two regulation areas:

- (i) Regulated Buffer Area; and
- (ii) Regulated Activity Area.

(e) prescribes the categories of assessment ~~and assessment benchmarks~~ for development subject to this instrument; and

(f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

Commented [ND23]: New section – provides context to address development involving energy from waste

Commented [UM24]: New definition, as TLPI now regulates EfW

Commented [DG25]: In definitions waste activity includes a majority of above uses – why is it in this list. And how does the 'defined uses and use classes' relate to waste activity as defined in the definitions? Needs to be considered as code is named resource recovery and waste activity. (attachment A)

3.3 ~~Planning decisions must balance a range of competing interests, with a view and changing geo-political policy pressures to:~~

- ~~(a) protect the amenity of residential and other sensitive uses within Ipswich;~~
- ~~(b) provide for suitable uses in the appropriate locations, where waste activities are separated from existing or planned (zoned for residential) areas to reduce the risk of exposure to likely or potential impacts;~~
- ~~(c) provide for appropriate restoration of areas affected by past mining operations, where associated with a proposed waste activity;~~
- ~~(d) protect the long term viability of industrial land as core economic and employment generating areas and not sterilise land as a result of impacts from waste activities; and~~
- ~~(e) facilitate the 'zero-waste future' including through support of the establishment and expansion of resource recovery and low impact industrial uses which redirect waste from landfill.~~

Commented [ND26]: Section 3.3 – assessment considerations of the TLPI are contained within Attachment A.

Assessment manager's role in balancing interests in its decision making is contained within the provisions of the Planning Act.

Commented [BD27R26]: I feel that this has a place in the document, especially considering community perceptions.

Commented [KH28R26]: Propose to maintain deletion because it has less weight than deleted section 2.4 and repeats that section and is covered under purpose and other assessment weighting.

Commented [UM29R26]: As per previous comments, community information should form part of external collateral/web material / fact sheets etc.

PART 4 – DURATION OF TLPI

4.1 In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the effective day for the TLPI is 23 January 2022.

4.2 This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years from the effective day unless otherwise repealed sooner.

PART 5 – INTERPRETATION

- 5.1 Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
- (a) the Planning Act; or
 - (b) the *Waste Reduction and Recycling Act 2011*; or
 - (c) the *Environmental Protection Act 1994*; or
 - (d) associated regulations.
- 5.2 To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 6 – APPLICATION OF THE TLPI

~~6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Figures 1 – 3, Attachment A and B.**~~

Commented [ND30]: Section 6.1 – deleted on the basis content is contained within Part 6

PART 7 – EFFECT OF THE TLPI

6.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

~~6.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3.**~~

Commented [ND31]: Inserted – previously section 6.1

~~6.2.6.3. The assessment benchmarks under this TLPI are:~~

- (a) the Strategic Outcomes set out in Part 3.2(b)
- ~~(b) **Attachment CA:** the "Resource Recovery and Waste Activity Code"; and~~
- ~~(b) **Attachment D: Table 1 – Table of Assessment and Relevant Assessment Criteria.**~~
- (c) ~~The Planning Scheme (unless stated otherwise)~~

Commented [ND32]: Deleted – table of assessment not an assessment benchmark

~~6.3.6.4. The Strategic Outcomes set out in Part 3.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.~~

Commented [ND33]: Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~6.5. The categories of assessment for development types and relevant criteria is set out in the **Table of Assessment in Attachment B.**~~

~~6.6. This TLPI includes definitions as set out below in **Attachment EC.**~~

~~6.7. This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.~~

~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

~~6.9. This TLPI does not regulate composting that is domestic / home composting end products for~~

[self-use \(see AS 4454-2012\) on a domestic scale.](#)

Commented [ND34]: Inserted – previously in part 2

RTI RELEASE - DSDIL GP

ATTACHMENT A: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

Commented [ND35]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT B: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP

Commented [ND36]: Inserted as Figures 1-3

RTI RELEASE - DSDILGP

ATTACHMENT AC: Resource Recovery and Waste Activity Code

1. Resource Recovery and Waste Activity Code

(1) Attachment C is the Resource Recovery and Waste Activity Code.

2.1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 3.2 and section 4.4 of the Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with any part of section 2 of the Waste Activity Code 3 or 4 constitutes undesirable development and is unlikely to be approved assessed against the Part 3 of the TLPI.

(2)(3) Relevant provisions described in section 3 of the Waste Activity Code are addressed for certain Waste Activities.

3.2. Purpose and Overall Outcomes for the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are:

(i) entirely protected from all adverse impacts resulting from or associated with Waste Activities Restoring a Void for the Swanbank/New Chum Regulation Area;

(ii) adequately protected from adverse impacts resulting from or associated with Restoring a Void Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;

(iii) adequately protected from adverse impacts resulting from or associated with Restoring a Void within the TLPI Boundary.

(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:

(i) Waste Activities do not limit the establishment of productive current and future uses on any premises;

(ii) environmental values are protected;

(iii) identified green and open space areas are enhanced protected; economic opportunities are maximised for the long term;

(iv) detrimental impacts on the amenity of the surrounding area particularly on existing approved or planned residential areas or other Sensitive Receiving Uses, are avoided;

(v) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;

(vi) are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and

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

(c) Energy from Waste Facilities are:

(i) separated from existing or planned areas for Sensitive Receiving Uses;

(ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.

(d) land that has been scarred by affected by former mining operations activities is appropriately restored and made available for future uses.

Commented [ND37]: Deleted – heading contains content

Commented [UM39]: Updated for editing purposes.

Commented [UM39]: As per previous DSDILGP comments, decision making hierarchy requires that inconsistent development is assessed against the purpose of the code (not the SO/PS's). This section has been amended to reflect final assessment of inconsistent development is against the purpose of the code, and as per below comments the purpose of the code has been made more specific and covered all anticipated activities in order to support/advance ICC policy position.

Commented [UM40]: Part 3 of the TLPI.

Commented [UM41]: Added – provides link to the relevant assessment provisions for different locations ... [1]

Commented [BD42]: What's the purpose of this clause?

Commented [UM43R42]: To ensure that area specific provisions are addressed. i.e. to ensure that for an ... [2]

Commented [BD44]: Entirely vs Adequate in this section is problematic. Also note the use of adequately protect ... [3]

Commented [KH45R44]: For discussion - consider amending to wording closer to the current TLPI overall ... [4]

Commented [ND46]: Amendments: ... [5]

Commented [ND47]: Ensure assessment benchmarks have pathway to escalate assessment of development ... [6]

Commented [BD48R47]: Have you also considered the place of small-scale energy from waste facilities and th ... [7]

Commented [UM49R47]: For discussion with KF

Commented [KH50R47]: Could adjust EFW definition to exclude anaerobic digestion and biogas, which all the s ... [8]

Commented [DG51R47]: Need to keep definition consistent with DES EFW policy – if you would like to er ... [9]

Commented [BD52]: This definition includes existing and proposed.

Commented [BD53]: Impacts could be well beyond noise, odour and dust.

Commented [UM54R53]: ?

Commented [KH55R53]: Other impacts are covered by other outcomes (eg visual, building size), while impac ... [10]

Commented [ND56]: Inserted to allow appropriate assessment of energy from waste facilities

Commented [ND57]: Determining appropriateness of development will occur through assessment against r ... [11]

Commented [BD58R57]: Void restoration will not always occur under the MRA as not all voids have active mini ... [12]

Commented [UM59R57]: KH – for review please. Maybe we can state that for voids undergoing restoration th ... [13]

Commented [KH60R57]: Propose to retain but adjust wording slightly. This creates a purpose statement th ... [14]

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:

- (i) occurs in the Regulated Buffer Area ~~and whereis carried out so that~~ Sensitive Receiving Uses are not adversely affected;
- (ii) occurs in the Swanbank/New Chum Regulated Activity Area ~~where Overall Outcome 2(a)(i) is not satisfied;~~
- (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
- (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.

(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill is avoided in the Regulated Activity Area;
- (iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:

- (i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
- (ii) Landfill or Compost Manufacturing Enclosed occur only in the Regulated Activity Area;
- (iii) are only established in the Regulated Activity Area where:
 - a. adverse environmental impacts on and beyond the premises are avoided;
 - b. any increase in environmental risk on and beyond the premises is avoided; and
 - c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
 - d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

(e) Energy from Waste Facilities within the TLPI Boundary:

- (i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
- (ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(b) ~~Particular Waste Activities in the Regulated Buffer Area do not occur;~~

(c) ~~Waste Activities are only established in the Regulated Activity Area where:~~

- (i) ~~obligations for the remediation or rehabilitation of Voids which arise beyond the planning system (for example, under an environmental authority relating to a resource activity) are satisfied in priority and will not be displaced;~~
- (ii) ~~adverse environmental impacts on and beyond the premises are avoided;~~
- (iii) ~~any increase in environmental risk on and beyond the premises is avoided; and~~
- (iv) ~~adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on:~~
 - a. ~~Sensitive Receiving Uses are avoided; and~~

Commented [ND61]: Comment applies to amendments in section 2(2).

Code purpose amended and restructured to provide separate purpose provisions for each of the regulated areas. Existing purpose statements moved to align with each area whilst also providing a different approach to waste activities between the two areas, with a stronger approach to Swanbank/New Chum because of its proximity to existing and planned residential areas.

Formatted: Highlight

Commented [BD62]: This is an issue. Compared to clause (b) (above) there is a move to support both landfill and indoor composting and the requirements of (c) (iii) are not clearly applicable to (c) (ii).

Commented [UM63R62]: It is not a support instrument. The TLPI seeks to maintain existing provisions which are balanced and performance based. The issue is the inequity/disparity between areas. For discussion with KH.

Commented [KH64R62]: Unclear what the issue is with composting enclosed. ICC resolved TLPI did provide for composting enclosed in the activity area. Door for landfill is ajar in Willowbank as per State objective but proposals still subject to assessment to determine suitability

- b. on any other use of adjoining and nearby premises are minimised and best practice management is implemented;
- (d)(f) extension or expansion of a lawfully existing waste facility or premises results in:
- (i) reduction in the ~~reasonable~~ improved management of the extent and intensity of adverse off-site impacts by improving operations;
 - (ii) improvements to the management of adverse off-site impacts by implementing best practice;
 - (iii) improved environmental performance;
- a. any non-compliance with existing development approvals being addressed;
- (e) New Resource Recovery Facilities are established in the Regulated Activity Area in locations which:-
- (f)(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of consumers of recycled material) and minimise heavy vehicle movements on the road network.
- (g) High impact difficult to locate Waste Activities are located away from and out of sight of Sensitive Receiving Uses.
- (h) New or expanded Waste Activities Landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste with Landfill used as a last resort.
- Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.

Commented [DG65]: Subjective – re word

Commented [DG66]: Potential EA matter need to ensure land use planning outcome focus

Commented [DG67]: Potential EA matter – need to ensure land use planning outcome focused - please put that lens across the balance.

Commented [ND68]: Delete – subjective benchmark, it is unclear how development could comply with this provision.

Commented [ND69]: Amended – encourage resource recovery development to be co-located with landfill.

Under wider waste policy, landfills are becoming a last resort option.

Commented [ND70]: Inserted – provide detail of the assessment benchmarks that apply to development within each area.

4.3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

- (1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.13.2 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.13.2, where relevant.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO7 – SO14
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO6; and SO7 – SO14

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

- (1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.12.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Commented [ND71]: Inserted to refer to relevant table

Commented [ND72]: Comment applies to Table 4.2.

- Specific outcomes separated to address the policy approaches for the Swanbank / New Chum v Ebenezer / Willowbank / Jeebropilly areas
- Includes headers (sign posts) to separate the relevant provisions that apply to each area / type of development
- Sets higher benchmark for activities within the Swanbank / New Chum regulation area given the proximity of sensitive land uses to this area – area more constrained than the Willowbank / Ebenezer / Jeebropilly regulation area
- Inserts provisions to address energy from waste activities

Column 1 Specific Outcomes	Column 2 Probable Solutions
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; or and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.	No probable solution provided
(5) The use of premises for a Waste Activity involving "Landfill" or "Compost-Manufacturing Unenclosed" in the Regulated Activity Area is avoided.	No probable solution provided
(6)(4) The combined use of premises for Restoring a Void or and for Waste Activities, or a combination thereof : (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) do not prejudice or compromise any future restoration, use, repair or maintenance of the premises; (f)(e) includes high quality landscaping and revegetation strategies appropriate for the long-term use of the premises, (g)(f) provides high quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street visually attractive; and (h)(g) implements and maintains best practice minimisation and management of adverse impacts at all times.	No probable solution provided

Commented [BD73]: I am unsure why SO's 1-3 don't apply to Willowbank Ebenezer? 1-3 should apply to all of the TLPI.

Commented [UM74R73]: We can apply restoring a void throughout the TLPI. That is fine. But it needs to be articulated that that use would only apply to a former void where a ML or MRA is not active.

Commented [ND76]: Deleted – on the basis that this is addressed in the purpose of the code.

Specific outcomes:

- should not duplicate the purpose
- should unpack the purpose.

Commented [ND77]: Amended to remove subjectivity.

Column 1 Specific Outcomes	Column 2 Probable Solutions
Ebenezer/Willowbank/Jeebropilly Regulation Area	
(5) <u>The use of a premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed occurs only in the Regulated Activity Area.</u>	No probable solution provided
(6) <u>The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed:</u> (a) <u>protects Sensitive Receiving Uses from adverse impacts of development;</u> (b) <u>protects and enhances existing environmental values;</u> (c) <u>improves and adds to identified green space and open space;</u> (d) <u>includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</u> (e) <u>provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.</u>	
(7) <u>The use of premises for Restoring a Void uses:</u> (a) <u>materials sourced from the premises in priority to the importation of materials from other locations; and</u> (b) <u>for any shortfall, Clean Earth.</u>	No probable solution provided
Waste Activities	
(8) <u>New, changed or expanded Waste Activities involving Landfill:</u> (a) <u>include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.</u>	No probable solution provided
(9) <u>The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.</u>	No probable solution provided
(10) <u>The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.</u>	No probable solution provided

Commented [ND78]: Inserted – relevant to the Ebenezer / Willowbank / Jeebropilly area.

Specific outcomes for this area are consistent with the existing TLPI outcomes.

Commented [KH79]: New specific outcome added to address ICC comments on specific outcome 3

Commented [ND80]: Inserted.

- Encourage the co-location of resource recovery with landfill development.
- Provide assessment benchmarks for energy to waste activities

Commented [BD81R80]: All operators will establish RRF's. But there are different RRF's. These could be as simple / complicated as they want and may not be effective RRF's. At the heart of this issue is the question of how to you make sure that residual wastes only go into landfill. Also, what is residual waste, and what if there isn't a market for the recoverable products yet?

Commented [UM82R80]: Acknowledge the issues with this and that most landfills will already have their RRA nominated as part of the EA, based on discussion with yesterday.

Commented [BD83]: The RRFs therefore only apply to landfill sites, rather than providing for assessment benchmarks when they establish as standalone uses.

Commented [UM84R83]: KH – please apply RRF benchmarks for standalone ones too please.

Commented [UM85]: Did this change from 3km to 5km? KH please check version that went to

Column 1 Specific Outcomes	Column 2 Probable Solutions
Filling and earthworks	
<p>(7)(11) Filling and earthworks and ongoing operations associated with Waste Activities:</p> <p>(a) for Landfill, exhaust prioritises use of materials existing on the premises in priority to the importation of other materials;</p> <p>(b) for Landfill, use Clean Earth in priority to the importation of waste;</p> <p>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</p> <p>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</p> <p>(e)(d) ensure that fill materials are compacted to the maximum extent possible.</p>	No probable solution provided
<p>(8)(12) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <p>(a) provides a necessary stormwater management function;</p> <p>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</p> <p>(b) does not exceed a maximum gradient of 5%.</p> <p>or</p> <p>(c) Note: does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.</p>	No probable solution provided
Landscaping and visual amenity	
<p>(9)(13) Waste Activities or Restoring a Void are designed and managed to be developed in a manner that:</p> <p>(a) establishes and maintains native vegetation buffers which to permanently, practically and effectively reduce adverse amenity and adverse environmental impacts on any Sensitive Receiving Use, riparian corridors or mapped green space and open space; and</p> <p>(b) retains and maintains significant existing</p>	No probable solution provided

Commented [ND86]: Deleted – assessed under another specific outcome.

Commented [ND87]: Removed note and included assessment benchmark. Notes do not form part of the statutory part of the TLPI and are not an assessment benchmark.

Commented [ND88]: Amended. Specific outcome to only address one matter (i.e. landscaping)

Commented [UM89]: Query for ICC – there is an opportunity here to capture expectations about building design / colour (i.e. green sheds, neutral tones, not visually obtrusive and blends into greenspace and surrounds etc). If this is something that is being negotiated on activities right now, then there is merit in inserting that as a benchmark to give it statutory weight.

Commented [UM90R89]: Not taken up – resolved.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>vegetation, particularly remnant native vegetation and areas of environmental significance; and</p> <p>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</p> <p>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</p> <p>(e) where possible, improves the quality of runoff to nearby surface and ground water;</p> <p>(f) for Landfill, ensures that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</p> <p>(g) for Landfill, includes an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</p> <p>(h) for Landfill, includes an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</p> <p>(i) for Landfill, includes an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</p> <p>(j) incorporates best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</p> <p>(k) for Landfill, ensures that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</p> <p>(l) does not adversely affect storm water management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and where possible, avoids complex and technical management systems.</p>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
Stormwater and groundwater management	
<p>(14) <u>Waste Activities or Restoring a Void are designed, operated and maintained to:</u></p> <p>(a) <u>Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void;</u></p> <p>(b) <u>not result in any increase in contaminant loads in the receiving environment on or off the premises;</u></p> <p>(c) <u>where possible, improve the quality of runoff to nearby surface and ground water;</u></p> <p>(d) <u>for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level;</u></p> <p>(e) <u>for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement;</u></p> <p>(f) <u>for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and</u></p> <p>(g) <u>for Landfill, include an adequately designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed;</u></p> <p>(h) <u>incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises;</u></p> <p>(i) <u>for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed;</u></p> <p>(j) <u>does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</u></p> <p>(k) <u>where possible, avoid complex and technical management systems.</u></p>	<p>No probable solution provided</p>
<p>(10)(15) <u>Waste Activities or Restoring a Void are designed, operated and</u></p>	<p>No probable solution provided</p>

Commented [ND91]: Inserted from above. Specific outcome to only address one matter (i.e. stormwater)

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>maintained so that:</p> <ul style="list-style-type: none"> (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies <u>for impacts on Sensitive Receiving Uses are deployed to monitor, maintain and protect Sensitive Receiving Uses implemented from the emissions considered in Specific Outcome 10(a) and 10(b) above.</u> 	
<p>(11) <u>New, changed or expanded Waste Activities or Restoring a Void:</u></p> <ul style="list-style-type: none"> (a) <u>must demonstrate that improved amenity, environmental and community outcomes will be achieved;</u> and (b) <u>avoid all detrimental amenity, environmental or community impacts;</u> and (c) <u>do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</u> 	No probable solution provided
<p>(12) <u>The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</u></p> <ul style="list-style-type: none"> (a) <u>the diversion of the waste stream entering the site to:</u> <ul style="list-style-type: none"> (i) <u>increase the re-use, recycling and recovery of waste resources;</u> and (ii) <u>a reduction in demand for Landfill.</u> 	No probable solution provided

Commented [ND92]: Deleted. Considered through another specific outcome. SO's need to be self-contained/bounded.

Commented [BD93R92]: Isn't this clause now unclear?

Commented [UM94R92]: Addressed

Commented [ND95]: Deleted. Content is duplicate of purpose of TLPI.

Commented [BD96R95]: Is this an assessment benchmark for code assessment in the new location?

Commented [UM97R95]: KH – please verify. Purpose statement is the assessment benchmark. This is a motherhood statement and doesn't need to be replicated in the code, only if it needs further 'unpacking' should it go into an SO. But I would've through the balance of management measures would suffice.

Commented [ND98]: Deleted. New specific outcome added above.

Commented [BD99R98]: I don't think the new SO works as noted above.

Commented [UM100R98]: Noted. As a result of RRA and ERA's nominating them already. Needs to have separate RRF benchmarks for standalone activities.

ATTACHMENT DB: Table 1 – Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities that is not Code Assessable – inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.2 of the Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill or Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Section 2 of Resource Recovery and Waste Activity Code and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Commented [ND101]: Amended. To reflect amendments to the code.

Commented [UM102]: Swanbank/New Chum to be afforded higher protections/restrictions by carrying forward the Restoring a Void definition, given surrounding sensitive uses.

Commented [BD103]: Seems unnecessary, should be promoted across all of the TLPI.

Commented [UM104R103]: Noted let's apply it.

Commented [BD105]: Broader assessment benchmarks required. Check references to sections.

Commented [UM106R105]: KH – do you know what is meant by this and comment below? The code itself in its entirety is referenced as a relevant criteria, and the table specifying which SO's apply is therefore used for specifics.

Commented [BD107]: As above.

Commented [BD108]: Why are the benchmarks here more extensive that Swanbank? Suggest consistency for all impact assessable development.

Commented [UM109R108]: ?

Commented [BD110]: Note above.

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Compost Manufacturing Unenclosed- inconsistent use	Impact Assessable	The whole Planning Scheme Section 2.3 and Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM111]: New use and impact assessment incorporated.

Formatted: Highlight

ATTACHMENT EC: DEFINITIONS

- 8.1 **"Clean Earth"** means—
- has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

"clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."

- 8.2 **"Compost Manufacturing Enclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is conducted in an enclosed system; and

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

- 8.3 **"Compost Manufacturing Unenclosed"** means—
- storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or
 - manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and
 - is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), see Schedule 19 of the *Environmental Protection Regulation 1994*—

"anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen."

composting, of organic material, includes mixing the organic material to manufacture a soil conditioner.

organic material means—

- animal matter, including, for example, dead animals, animal remains and animal excreta; or
- plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- organic waste.

organic waste—

- includes the following—
 - a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
 - animal manure;
 - biosolids;
 - cardboard and paper waste;
 - fish processing waste;
 - food and food processing waste;
 - grease trap waste;

- (viii) *green waste;*
- (ix) *poultry processing waste;*
- (x) *waste generated from an abattoir; but*

~~(b)(a)~~ *does not include—*

- (i) *biosecurity waste; or (ii) clinical or related waste; or*
- (ii) *contaminated soil; or*
- (iii) *synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.*

For the purposes of Compost Manufacturing Enclosed and Unenclosed (8.3 and 8.4), the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

“enclosed system means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs.”

“feedstock means the organic material/s used or intended to be used for organic material processing.”

8.4 **Energy from Waste facility** means:

- (a) *the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former;*
- (b) *the storing of waste materials*

8-48.5 **“Finished Product”** means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. AS 4454-2012 Composts, soil conditioners and mulches)

8-58.6 **“Landfill”** means–

- (a) the use of land for the disposal of any waste other than Clean Earth; and
- (b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

8-68.7 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.

8-78.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8-88.9 **“Restoring a void”** means–

- (a) the use of land to fill, or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

Commented [ND112]: New definition. Address energy from waste matter.

Definition consistent with DES' Waste Policy (June 2020)

Commented [BD113R112]: What about electricity generation from landfill gas? This could also apply to incineration of pallets for electricity, for example.

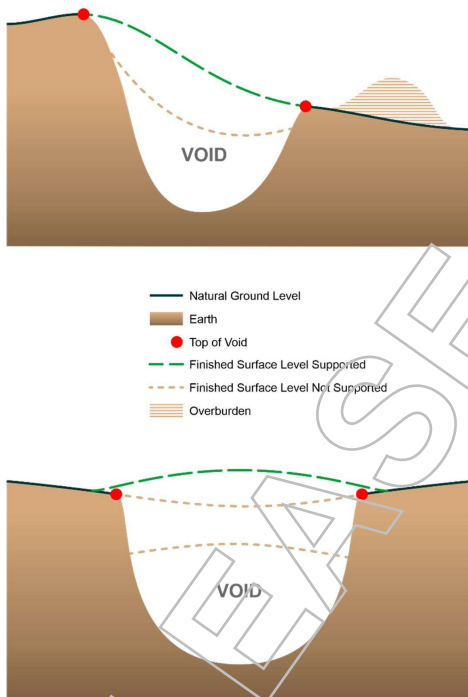
Commented [UM114R112]: For discussion with KF

Commented [DG115]: B) is inconsistent with DES policy definitions – the storing of waste for feedstock could be considered ancillary to the use. Or the storage could form part of the waste activity definition – storing of waste materials.

8.98.10 **“Resource Recovery Facility”** means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

8.408.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

8.148.12 **“Top of a Void”** means—
 (a) the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



8.428.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.

8.138.14 **“Void”** means—
 (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

8.148.15 **“Waste Activity”** means—
 (a) the use of premises for:
 (i) “Compost Manufacturing Enclosed”;
 (ii) “Compost Manufacturing Unenclosed”;
 (iii) “Energy from Waste Facility”

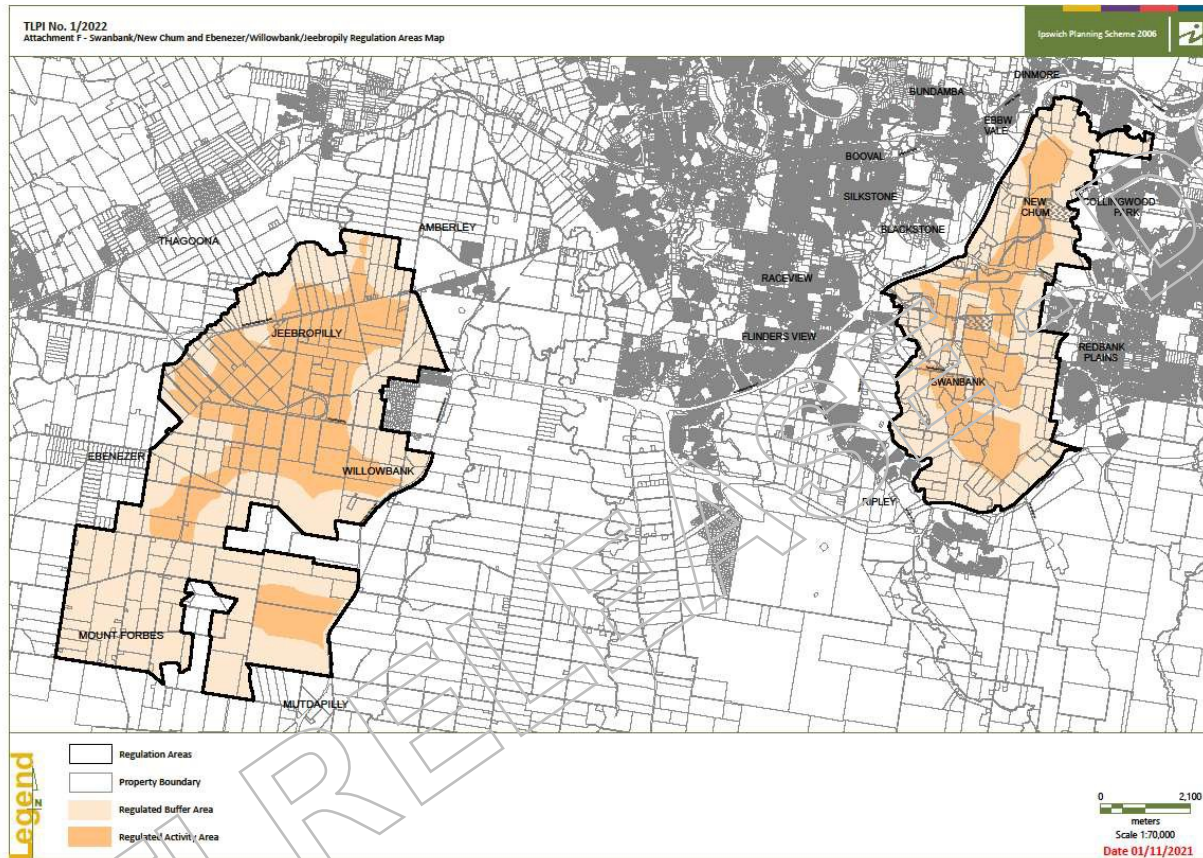
Commented [ND116]: Inserted to ensure provisions apply to energy from waste activities

~~(iii)(iv)~~ "Landfill";
~~(iv)(v)~~ "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

RTI RELEASE - DSDIL GP

ATTACHMENT **FIGURE 1: TLPI BOUNDARY**



Formatted: Left: 2.29 cm, Right: 1.8 cm, Top: 2.86 cm, Bottom: 2.54 cm, Width: 27.94 cm, Height: 21.59 cm

Commented [BD117]: Note the plans themselves have titles that differ from what's now in the document.