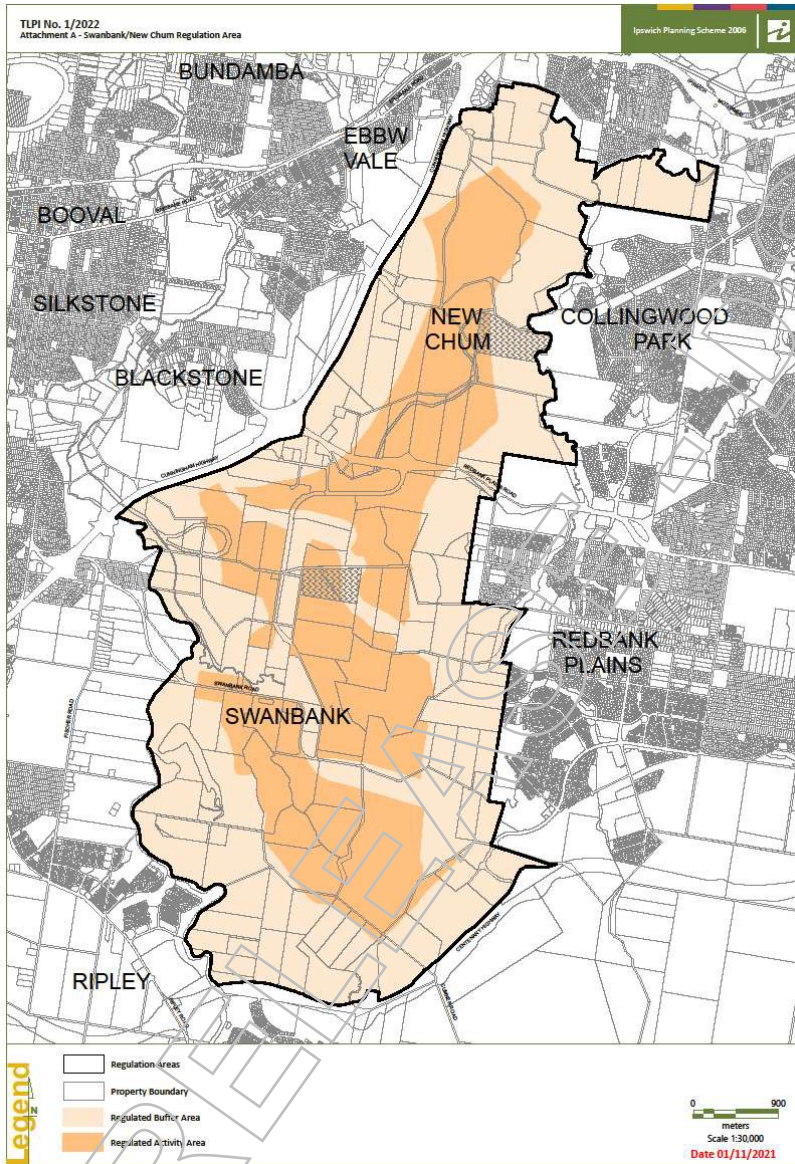
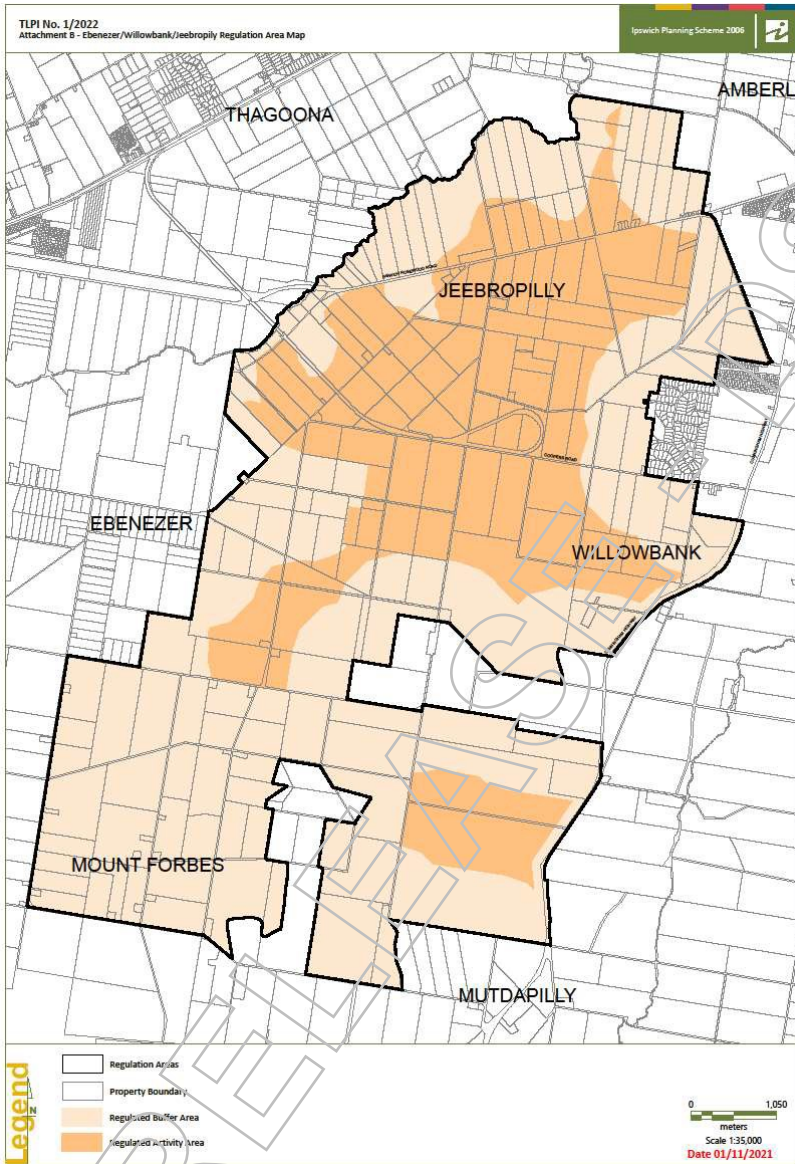


**FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP**



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP**



**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 - DSDILGAP

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 4:08 PM  
**To:** [Redacted]  
**Subject:** RE: Existing TLPI gazette notices

Thanks for sending this so promptly.



[Redacted]

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

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DSDILGP

**From:** [Redacted]

**Sent:** Tuesday, 30 November 2021 11:40 AM

[Redacted]

**Subject:** Existing TLPI gazette notices

H [Redacted]

Copy of current TLPI gazette notices

Swanbank TLPI No. 1 – page 5 of pdf

Willowbank TLPI No. 2

Regards

WEL



[Redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

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RTI RELEASE - DSDILGP

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 4:11 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** SEQ Waste Management Plan  
**Attachments:** Comseq SEQWMP and TLPI assessment.docx

Hi [Redacted]

Please see attached a copy of our draft assessment of the Comseq SEQ Waste Management Plan and the proposed Ipswich TLPI.

I haven't had a chance to update the EfW aspects since your comments as yet, as I am going to be reviewing [Redacted] final edits now.

I would be very grateful if you could please take a look and ensure I've captured key aspects of the SEQ Waste Management Plan (recommendations) as relevant to the Ipswich TLPI, or alert me to any other aspects that may be required to be assessed.

Thanks,  
[Redacted]



[Redacted]

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

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*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
<b>Comingled recycling</b> <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 <del>for comingled recycling</del> relate to behavioural change and market <del>insensitive incentives</del>. 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
<b>Organics</b> <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 compost  <b>Caveat</b> 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 <b>XXX compost plan xx</b> 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"> <li>Community sentiment on odour warrants the adoption of a precautionary approach to compost manufacturing as part of the TLPI.</li> <li>One existing composting operator seeking to contemporise their operations by including in-vessel composting. Ipswich City Council are seeking a precautionary approach in <a href="#">order</a> to ascertain success of in-vessel composting before adopting specific benchmarks.</li> <li><a href="#">The TLPI does not prohibit the development of large scale composting activities, as a planning instrument cannot prohibit these type of activities. The provisions do provide strong assessment provisions that seek to direct those locations where these activities can establish and impose criteria they need to be assessed against.</a></li> <li>Provisions do not limit the application of an in-vessel composting system being lodged and assessed on their merits.</li> </ul>	

**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.

RTI RELEASE

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 consistency
			<ul style="list-style-type: none"> <li>New planning scheme provisions to be prepared which will offer a longer term solution for compost manufacturing.</li> </ul>	
<b>Residual</b>  <i>'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.</i>	Nil	<ol style="list-style-type: none"> <li>In the immediate term, optimise waste flows by pulling all levers further up the waste hierarchy, to create a stream that is true residual</li> <li>Periodically review alternative waste treatment (AWT) technology developments, and emerging solutions preferable for residual Municipal Waste Streams (MSW)</li> <li>Work with DSD on land use planning and State Development Areas for residual (Thermal EfW or other AWT technology facilities)</li> </ol>	<p><b>Landfill</b></p> <p>The proposed TLPI seeks to implement a higher assessment benchmark for proposed landfills at Swanbank/New Chum and seeks to maintain provisions in existing TLPI's for the management of waste in Willowbank/Ebenezer/Jebropilly.</p> <p><u>The TLPI does not prohibit the development of landfills, as a planning instrument cannot prohibit these type of activities. The provisions do provide strong assessment provisions that seek to direct those locations where landfills can establish and impose criteria they need to be assessed against.</u></p> <p>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.</p> <p><b>Energy from Waste</b></p> <p>The plan sets out that opportunities for optimising the treatment of residual Municipal Solid Waste</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.

**Commented [UM2]:** Check back, depending on where changes land with ICC comments.

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>(MSW) should occur. However, the department views the emerging technology</p> <ul style="list-style-type: none"> <li>o INSERT ASSESSMENT OF EfW and thermal energy</li> </ul>	

**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.

**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 RELEASED

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 4:29 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: SEQ Waste Management Plan

[Redacted]

Can I send through my comments in relation to the ComSEQ report and TLPI table tomorrow morning first up. I need to look over the report again and have left work for the day? And Dom is not around ATM.

Let me know if this is going to be a problem and I will log back on when home.  
Thanks



[Redacted]

Principal Planner  
**Policy and Innovation**  
Department of State Development, Infrastructure,  
Local Government and Planning

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**From:** [Redacted]

**Sent:** Tuesday, 30 November 2021 4:11 PM

[Redacted]

**Subject:** SEQ Waste Management Plan

Hi [Redacted]

Please see attached a copy of our draft assessment of the Comseq SEQ Waste Management Plan and the proposed Ipswich TLPI.

I haven't had a chance to update the EfW aspects since your comments as yet, as I am going to be reviewing [Redacted] final edits now.

I would be very grateful if you could please take a look and ensure I've captured key aspects of the SEQ Waste Management Plan (recommendations) as relevant to the Ipswich TLPI, or alert me to any other aspects that may be required to be assessed.

Thanks,



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

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RTI RELEASES

DSDILGP

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 5:10 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Re: SEQ Waste Management Plan

Hi [Redacted]

No problem. Your earliest attention to the review tomorrow morning would be gratefully appreciated as we're really running up against the clock now!

Chat tomorrow!

Regards,

[Redacted]

On 30 Nov 2021, at 4:28 pm, [Redacted] wrote:

[Redacted]

Can I send through my comments in relation to the ComSEQ report and TLPI table tomorrow morning first up. I need to look over the report again and have left work for the day? And [Redacted] is not around ATM.

Let me know if this is going to be a problem and I will log back on when home.  
Thanks

<image002.png>

[Redacted]

Principal Planner  
**Policy and Innovation**  
Department of State Development, Infrastructure,  
Local Government and Planning

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<image003.png>

From [redacted]

Sent: Tuesday, 30 November 2021 4:11 PM

[redacted]  
Subject: SEQ Waste Management Plan

Hi [redacted]

Please see attached a copy of our draft assessment of the Comseq SEQ Waste Management Plan and the proposed Ipswich TLPI.

I haven't had a chance to update the EfW aspects since your comments as yet, as I am going to be reviewing [redacted] final edits now.

I would be very grateful if you could please take a look and ensure I've captured key aspects of the SEQ Waste Management Plan (recommendations) as relevant to the Ipswich TLPI, or alert me to any other aspects that may be required to be assessed.

Thanks,  
[redacted]

<image004.png> [redacted]

Planning Manager

**SEQ West**

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[<image010.png>](#)



[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 5:33 PM  
**To:** [Redacted]  
**Subject:** FW: Energy from Waste

FYI – if ever you need this in future.



[Redacted]  
Planning Manager  
**SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning  
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DSDILGP

---

**From:** [Redacted]  
**Sent:** Wednesday, 24 November 2021 11:30 AM  
**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. e 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



**Queensland  
Government**



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

*Microsoft teams – meet now*

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[Redacted]

**From:**

[Redacted]

**Sent:**

Tuesday, 30 November 2021 5:51 PM

**To:**

[Redacted]

**Cc:**

**Subject:**

FW: OAT data reporting by suburb

**Attachments:**

Odour Abatement Taskforce Reporting Summary.docx; Reporting trends July 2018 - Nov 2021.docx; 20211122 Ipswich Workshop - ESR - OAT.pptx

FYI and discussion tomorrow.

Regards,

[Redacted]



[Redacted]

Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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W - DSDILGP

**From**

[Redacted]

**Sent:** Tuesday, 30 November 2021 3:22 PM

**To**

[Redacted]

**Subject:** OAT data reporting by suburb

Hi

[Redacted]

I thought I had a access to a spatial heat map but unfortunately we do use our GIS team to generate them for us. Otherwise the total number of nuisance reports per suburb are as below. This data is current as at 28 November 2021.

I have also attached graphs showing the issues reported and trends since July 2018. I have also attached the slides from the workshop.

Row Labels	Count of LOCATION_TYPE
Anonymous	1
ANSTEAD	1
AUGUSTINE HEIGHTS	111
BARELLAN POINT	7
BELLBIRD PARK	32
BLACKSTONE	42
BOOVAL	38

BRASSALL	4
BROOKWATER	13
BUNDALL	1
BUNDAMBA	81
CAMIRA	3
CHAMBERS FLAT	2
CHURCHILL	7
CHUWAR	291
COALFALLS	4
COLLINGWOOD PARK	852
COOMBABAH	2
DAISY HILL	2
DEEBING HEIGHTS	59
DINMORE	13
EAST IPSWICH	7
EASTERN HEIGHTS	241
EBBW VALE	6
EBENEZER	1
FLINDERS VIEW	536
GOODNA	11
GREENBANK	2
HAIGSLEA	1
HAYFIELD	1
HILLCREST	1
IPSWICH	23
KARALEE	603
KARANA DOWNS	6
KARRABIN	1
LEICHHARDT	2
LOGAN VILLAGE	1
MELBOURNE	2
MILTON	1
MOGGILL	1
MOUNT OMMANEY	1
NEW CHUM	14
NEWTOWN	8
NOOSA HEADS	1
NORTH BOOVAL	4
NORTH IPSWICH	23
NORTH TIVOLI	163
ONE MILE	3
PARAP	1
POINT VERNON	1
PURGA	2
RACEVIEW	494
REDBAN PLAINS	1
REDBANK	18
REDBANK PLAINS	2284
REGENCY DOWNS	1
RIPLEY	3380
RIVERHILLS	1

RIVERVIEW	50
ROSEWOOD	4
SADLIERS CROSSING	6
SILKSTONE	95
SOUTH RIPLEY	1982
SPRING MOUNTAIN	1
SPRINGFIELD	9
SPRINGFIELD LAKES	7
SUMNER PARK BC	1
SWANBANK	21
TIVOLI	67
WALLOON	2
WHITE ROCK	1
WOODEND	44
WOODRIDGE	1
YAMANTO	30
<b>Grand Total</b>	<b>11734</b>

Cheer



Team Leader  
 Swanbank Project I Energy Extractive and South West Compliance  
 Environmental Services and Regulation  
 Department of Environment and Science

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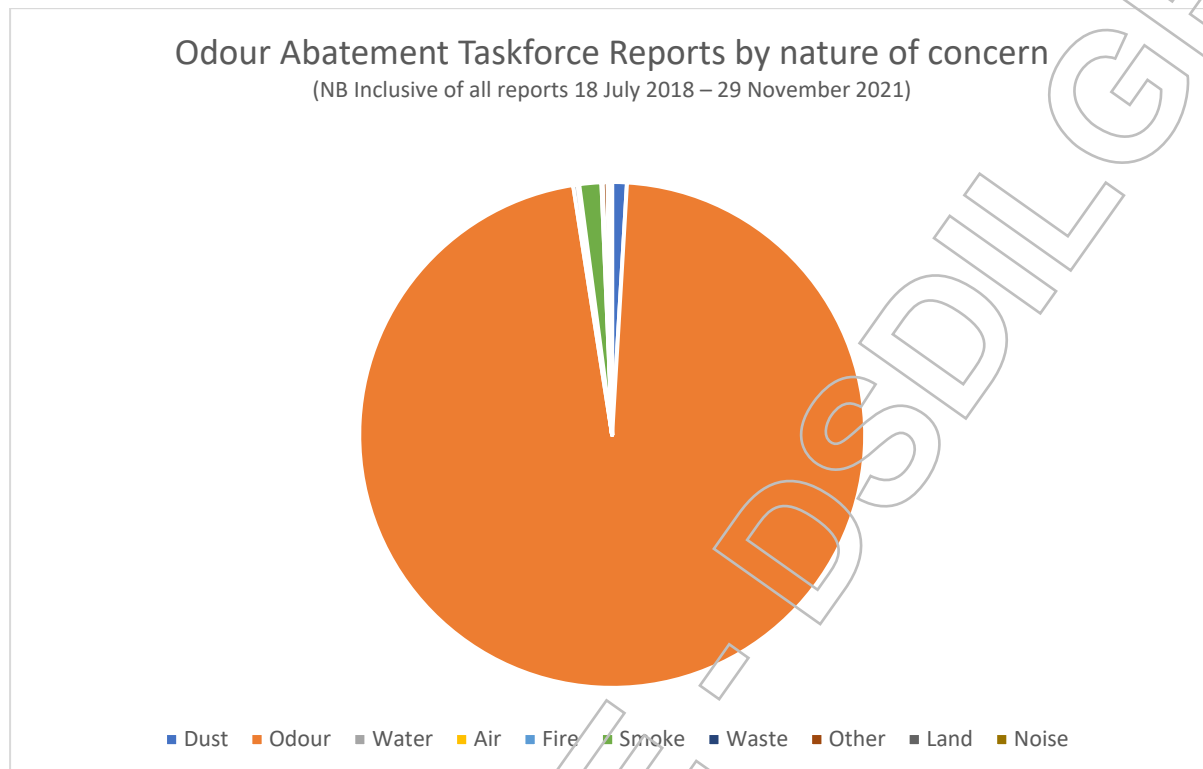
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## Odour Abatement Taskforce Reporting Summary

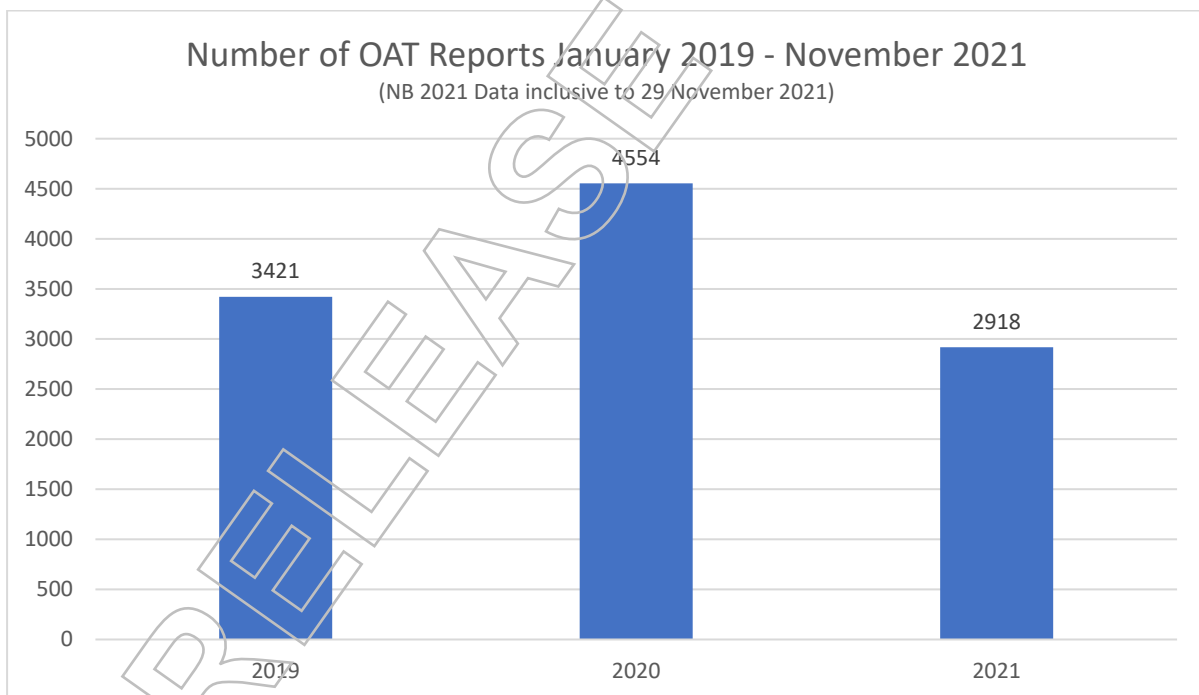
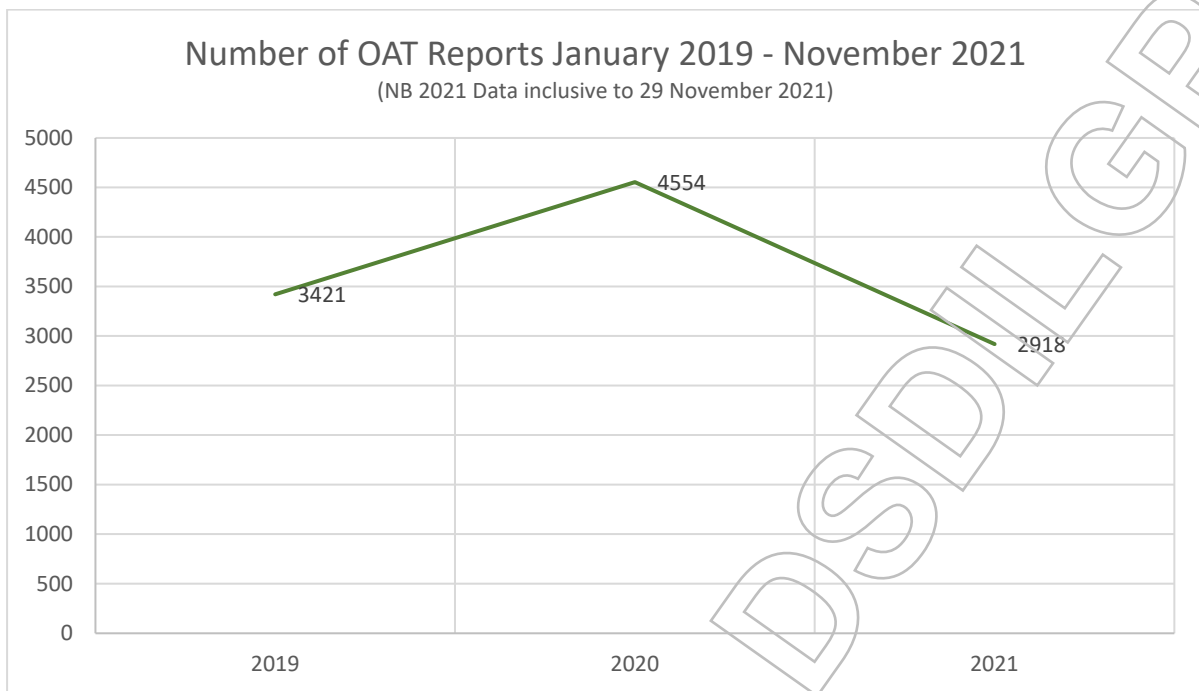
### Reports by nature of concern (type of report)



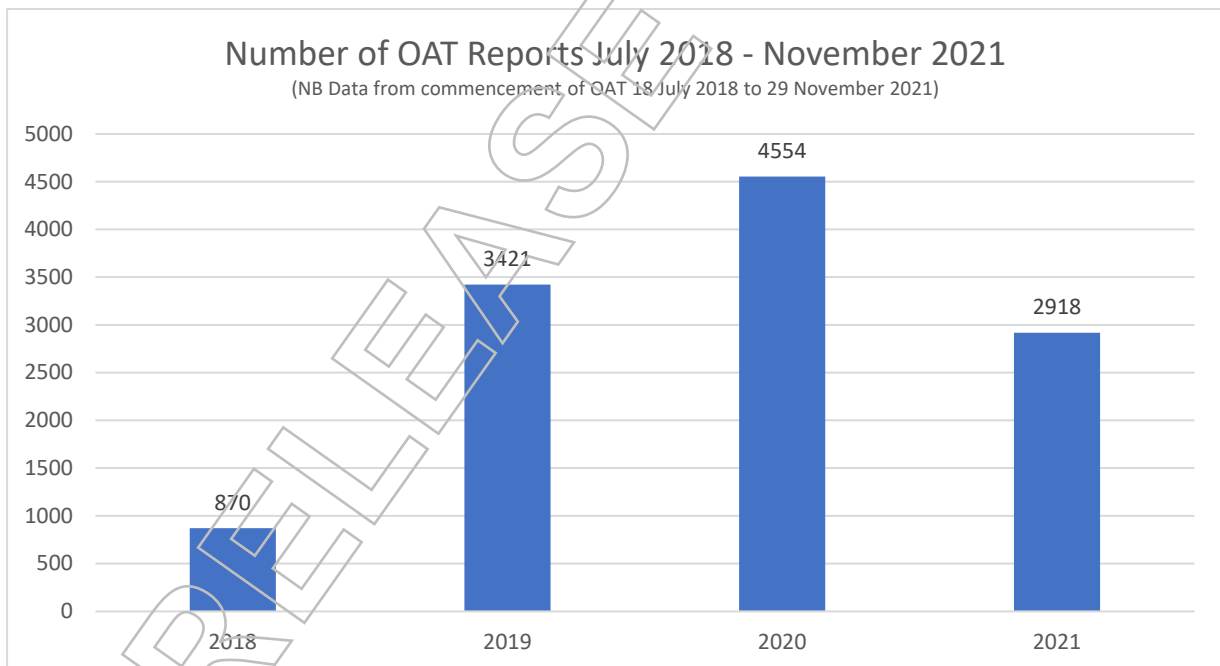
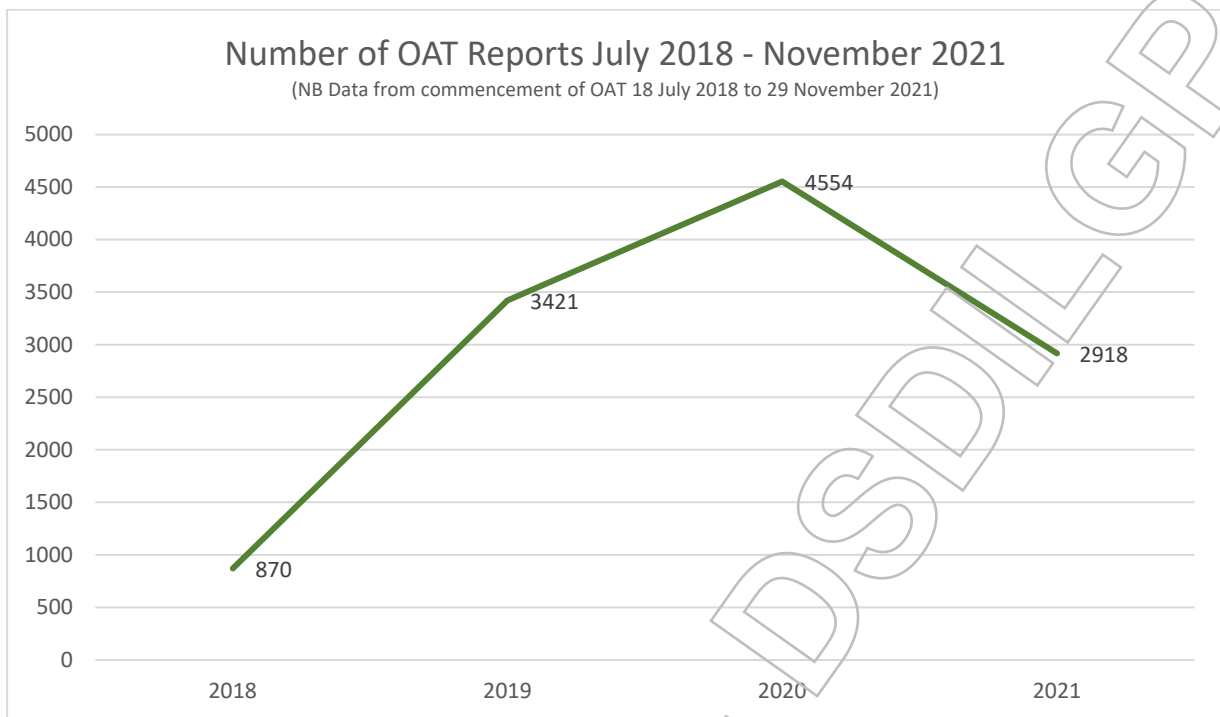
#### Legend

Type of Report	Number of Reports
Dust	110
Odour	11366
Water	34
Air	9
Fire	3
Smoke	165
Waste	10
Other	36
Land	4
Noise	30

### Reporting trends per year (2019 – 2021)



### Reporting trends per year (2018 – 2021)





# The Odour Abatement Taskforce



# Key legislation

**Environmental nuisance** is unreasonable interference or likely interference with an environmental value caused by—

- (a) aerosols, fumes, light, noise, odour, particles or smoke; or
- (b) an unhealthy, offensive or unsightly condition because of contamination; or
- (c) another way prescribed by regulation.

**Environmental value** is—

- (a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- (b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

The department's guideline, '**Odour Impact assessment from developments**' states that the term nuisance is used to describe the cumulative effect on people caused by repeated events of annoyance over an extended period of time. Nuisance results when people are affected by an odour they can perceive in their living environment, at home, at work or during recreational activities, and

- The appraisal of the odour is negative;
- The perception occurs repeatedly;
- It is difficult to avoid perception of the odour; and
- People believe that the odour has a negative effect on their well-being.


The evidence gathered can be reviewed against the five factors that influence odour complaints: **frequency, intensity, duration, offensiveness** and **location** (FIDOL). The objective analysis of FIDOL factors must include the intrinsic nature of the odour.

# ODOUR ABATEMENT TASKFORCE

STATISTICS AS AT 4PM MONDAY 15 NOVEMBER 2021

## Community reports 11,649



Facebook  
20-21 FY 

5

Facebook Posts

138

Post Reactions

76,233

Total Reach

5  
Tweets

2,986  
Impressions



78  
Engagements

Twitter  
20-21 FY

Total community  
interactions

3,162



Top reporting  
suburbs

3365 Ripley

2270 Redbank Plains

1982 South Ripley

817 Collingwood  
Park

599 Karalee

Inspections  
undertaken by  
Field Response

478 

61

Community  
Engagement Events

Total  
odour  
reports



11,253

# How we investigate odour

## Form

### Recording odour intensity, offensiveness and character

#### Compliance and Investigation

*This form is to be used to record odour intensity, offensiveness and character for investigations under the Environmental Protection Act 1994.*

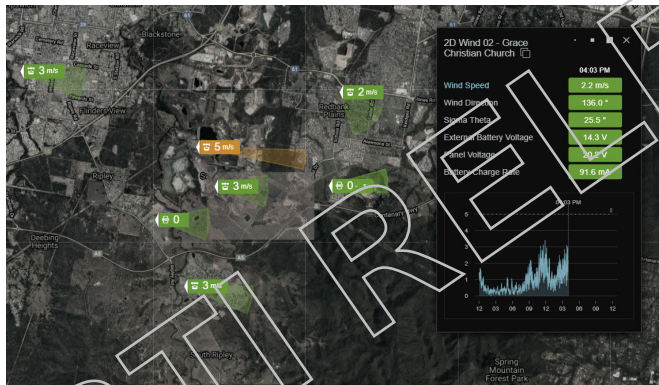
The measurement duration is 10 minutes and each inhalation is taken in 10 seconds interval. A simple approach is to use a stopwatch to give a time signal every 10 seconds during the 10-minute measurement duration. The assessor inhales at the start of each 10-second period. If the assessor detects the odour being investigated, he or she records the number from the intensity and offensiveness scales on the next sheet which match their assessment of the odour.

Odour Intensity and Offensiveness Measurements (every 10 seconds during the 10 minute period):

Minutes	1						2						3					
Measurement	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18
Odour Intensity																		
Odour offensiveness																		

Minutes	4						5						6					
Measurement	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Odour Intensity																		
Odour offensiveness																		



Community odour report

Validation of odour

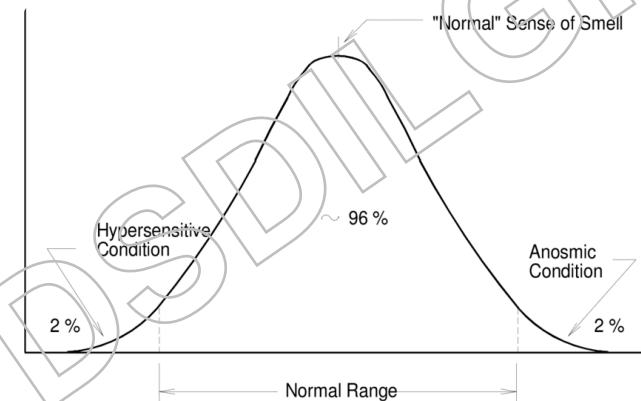
Elimination and finding the source

Follow up actions



# Calibrated Noses

Knowing where our officers sit on this curve (ideally within the median range for the population) we have a better understanding of what reporters are experiencing and can make an unbiased assessment on whether odours detected in the field are nuisance.



Officer notes along with authorised/calibrated noses are the current standard for regulation of odorous sites and nuisance in the community.



# Barriers to odour investigation

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Time and resources

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Timely reporting by the community

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Location

---

Elimination process

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Odour plumes remaining consistent for 10 minutes

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# Overcoming Barriers



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Pre-planning, data review and project plans

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Community consultation

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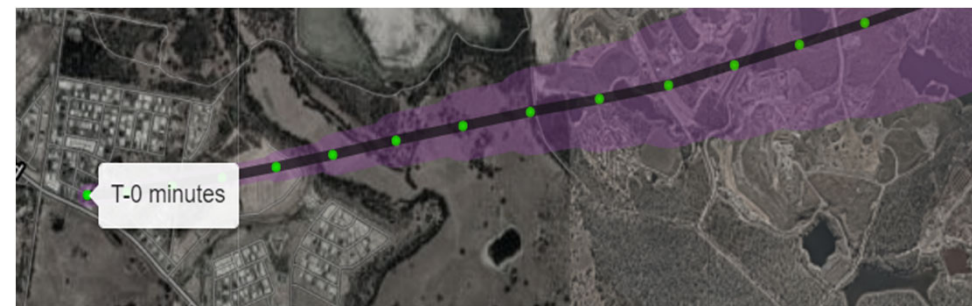
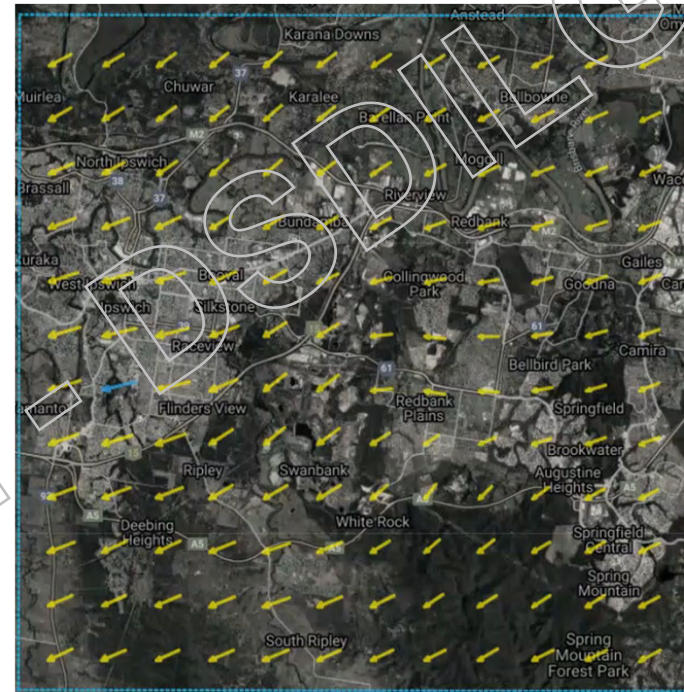
Site inspections to identify other issues

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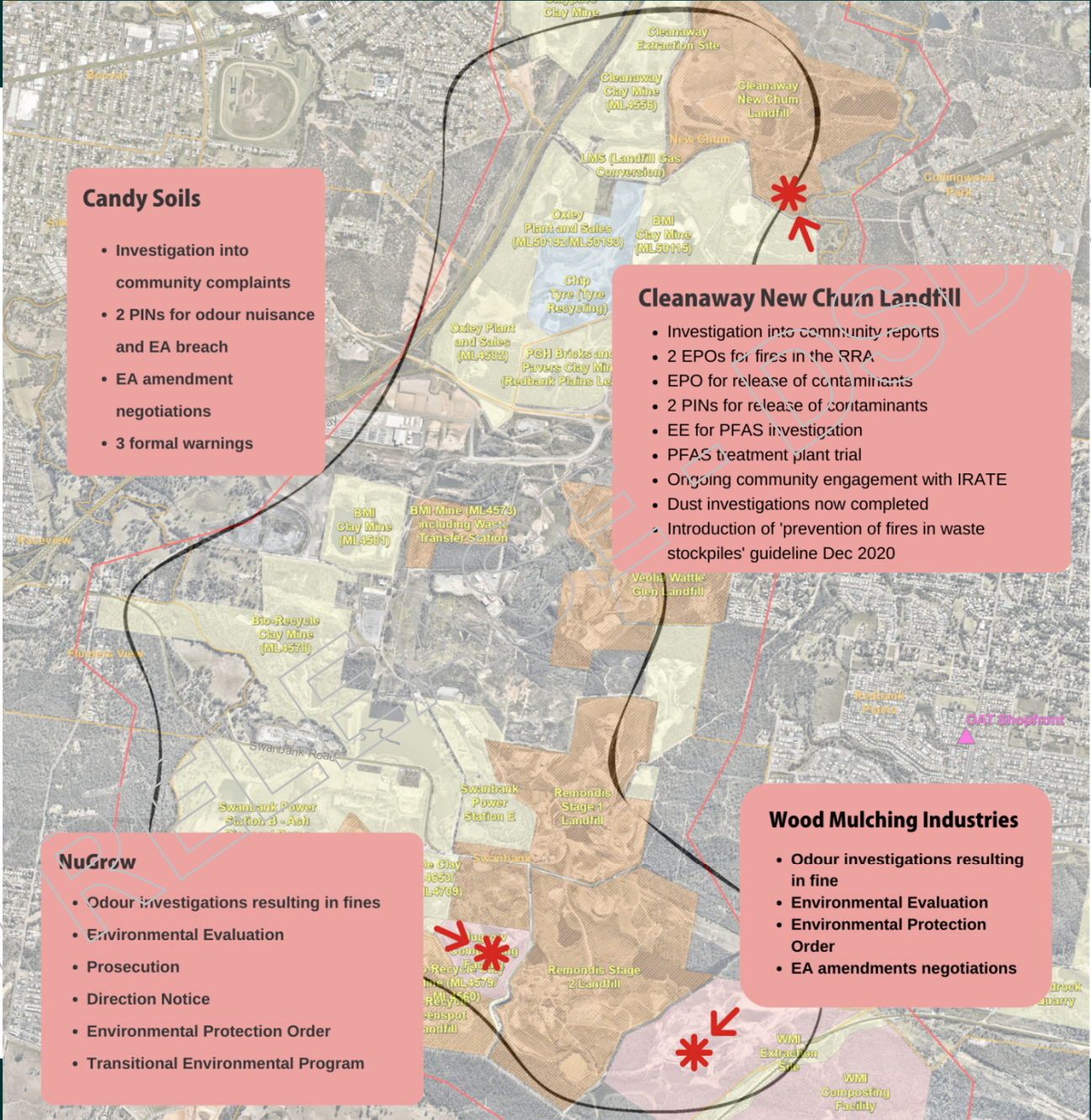
Use of technology (envirosuite and drones)

# Envirosuite

- Odour can't be seen and is difficult to trace and predict when it will occur.
- Envirosuite comprises of 6 weather stations installed around the SIA. These stations analyse real time weather conditions and predict when and where odour may occur and the likely source, to plan in-field odour surveys.
- Envirosuite runs trajectories from where an odour was experienced (community reporters address) to where the odour may have been generated from.







**Candy Soils**

- Investigation into community complaints
- 2 PINs for odour nuisance and EA breach
- EA amendment negotiations
- 3 formal warnings

**Cleanaway New Churn Landfill**

- Investigation into community reports
- 2 EPOs for fires in the RRA
- EPO for release of contaminants
- 2 PINs for release of contaminants
- EE for PFAS investigation
- PFAS treatment plant trial
- Ongoing community engagement with IRATE
- Dust investigations now completed
- Introduction of 'prevention of fires in waste stockpiles' guideline Dec 2020

**NuGrow**

- Odour investigations resulting in fines
- Environmental Evaluation
- Prosecution
- Direction Notice
- Environmental Protection Order
- Transitional Environmental Program

**Wood Mulching Industries**

- Odour investigations resulting in fine
- Environmental Evaluation
- Environmental Protection Order
- EA amendments negotiations

LGPR

RTI

**THANK YOU**



[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 8:49 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** TLPI instrument - clean  
**Attachments:** Ipswich Waste TLPI - 011221.docx

Hi [Redacted]

For brief discussion first up tomorrow morning – clean copy of TLPI.

Highlights and remaining comments for internal resolution and a couple of clarifying questions to [Redacted] too.

We'll need to compare this version to the last version sent to legal services on Monday. I'll do that tomorrow once we've agreed to the highlights.

All prior versions with comments/stakeholder feedback are in the Stakeholder feedback folder. So our negotiations have not been lost.

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 [Redacted]

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

[statedevelopment.qld.gov.au](http://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 recreational Australia.



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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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

**Commented [KH1]:** Placeholder for further review

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a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

**Commented [BD2]:** Should this also state that the policy work has not been completed and is expected to evolve over time.

### The Planning Challenge

- 1.7. 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 [UM3R2]:** For discussion with KF.  
**Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations**

### PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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.

**Commented [UM5]:** Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

**Commented [BD6R5]:** Mapping is titled (on plan) which needs consideration.

**Commented [KH7R5]:** Need to review all plans/figures with UM

### 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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 of the TLPI.
- (3) Relevant provisions described in section 3 of the Waste Activity Code are addressed for certain Waste Activities.

### 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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (iii) protects and improves the natural environment and does not negatively impact on

TLPI No. 1 / 2022

Page 8 of 19

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Commented [BD8]: What's the purpose of this clause?

Commented [UM9R8]: 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.

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Commented [BD10]: 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 [KH11R10]: 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.

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Commented [KH12]: For noting given ICC comments on these outcomes. Wording maintains ICC outcome but adjusts based on the areas they apply to.

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Commented [ND13]: 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 [BD14R13]: 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?

Commented [UM15R13]: For discussion with KF

Commented [KH16R13]: 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)

Commented [DG17R13]: 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.

Commented [KH18R13]: For discussion with UM

Commented [UM19R13]: As per discussion with AM - provisions are broad and flexible enough to allow a favourable decision on smaller scale/desirable WfE proposals



- 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:
- 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.
- (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:
- 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.
- (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 and minimises a high standard of amenity by minimising environmental and amenity impacts on existing and proposed residential areas;
- (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)(h) New or expanded landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

**Formatted:** List Paragraph, Indent: Left: 1.75 cm, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm, Tab stops: 3.03 cm, Left + 3.03 cm, Left + Not at 4.91 cm + 4.91 cm

**Commented [UM20]:** Still not comfortable with this.

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### 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, 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 – SO9; and SO10 – SO17

**Commented [UM21]:** Double check this

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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.; and (g)	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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.	
(10) The use of premises for Restoring a Void uses: (c) materials sourced from the premises in priority to the importation of materials from other locations; and (d) for any shortfall, Clean Earth.	No probable solution provided
<b>Waste Activities</b>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
(11) 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
(12) 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
(13) 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
<b>Filling and earthworks</b>	
(14) 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
(15) 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
<b>Landscaping and visual amenity</b>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(16) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.</li> </ul>	<p>No probable solution provided</p>
<p><b>Stormwater and groundwater management</b></p>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(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;</li> <li>(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;</li> <li>(i) for Landfill, ensure that leachate levels will</li> </ul>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>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>(18) 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>	<p>No probable solution provided</p>

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [BD22]:** Broader assessment benchmarks required. Check references to sections.

**Commented [UM23R22]:** For discussion tomorrow with [redacted]

**Commented [BD24]:** As above.

**Commented [BD25]:** Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

**Commented [UM26R25]:** ?

**Commented [BD27]:** Note above.

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM28]: New use and impact assessment incorporated.



## ATTACHMENT C: 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*

- (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 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.
- 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).

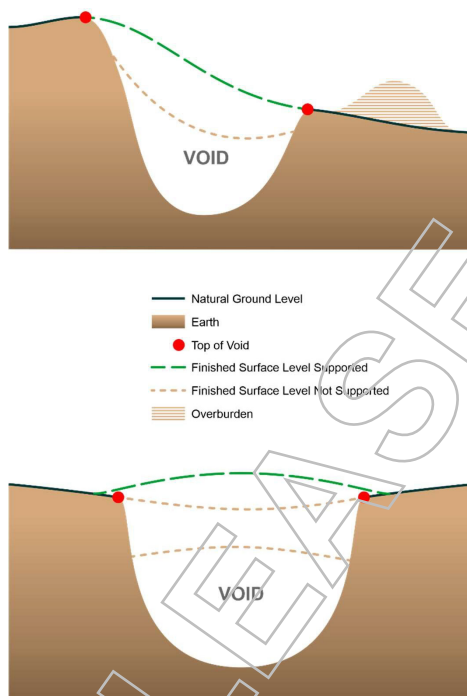
For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

- 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.

**Note:** this definition applies to activities proposing to restore former mine voids which are not subject to current or active mining leases or mine rehabilitation areas.

**Commented [UM29]:** KH – please check terminology is consistent with DoR terms and leg.

- 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.



- 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”;

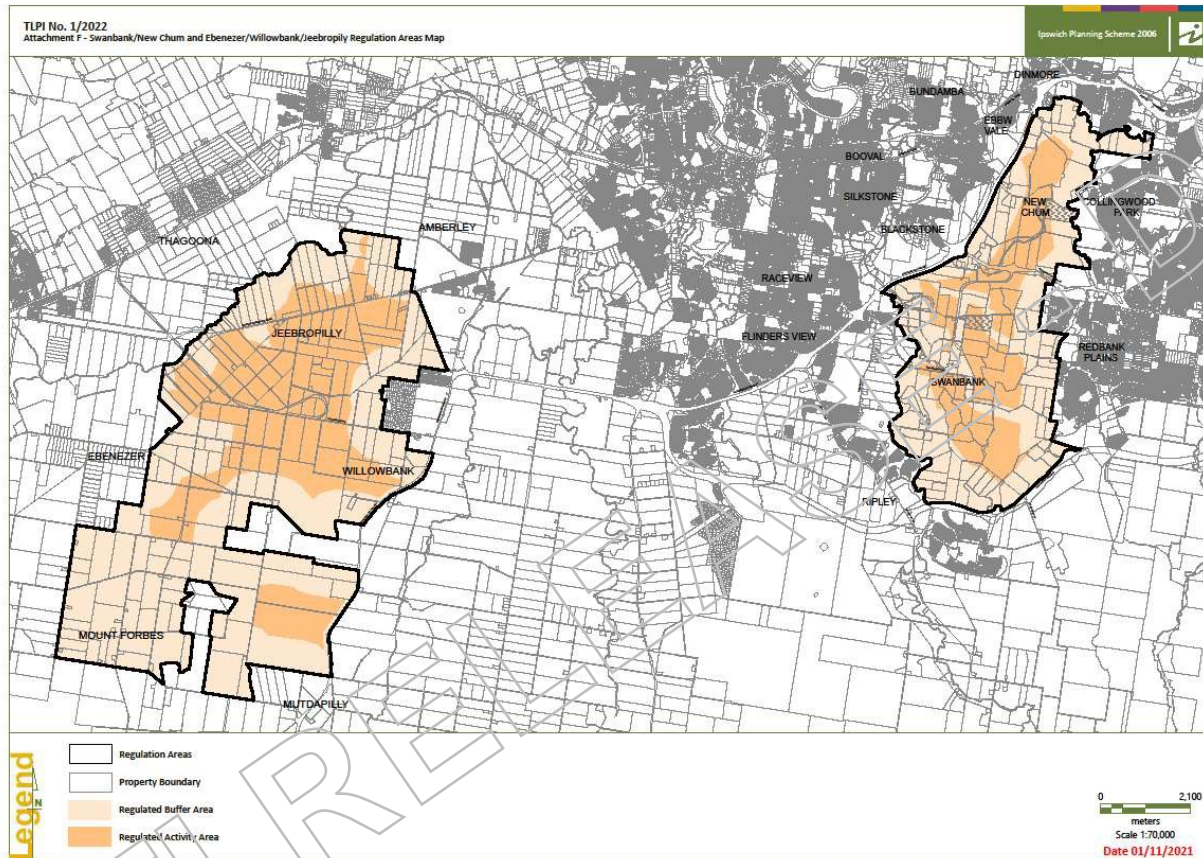
- (iii) "Energy from Waste Facility"
- (iv) "Landfill";
- (v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Commented [ND30]: Inserted to ensure provisions apply to energy from waste activities

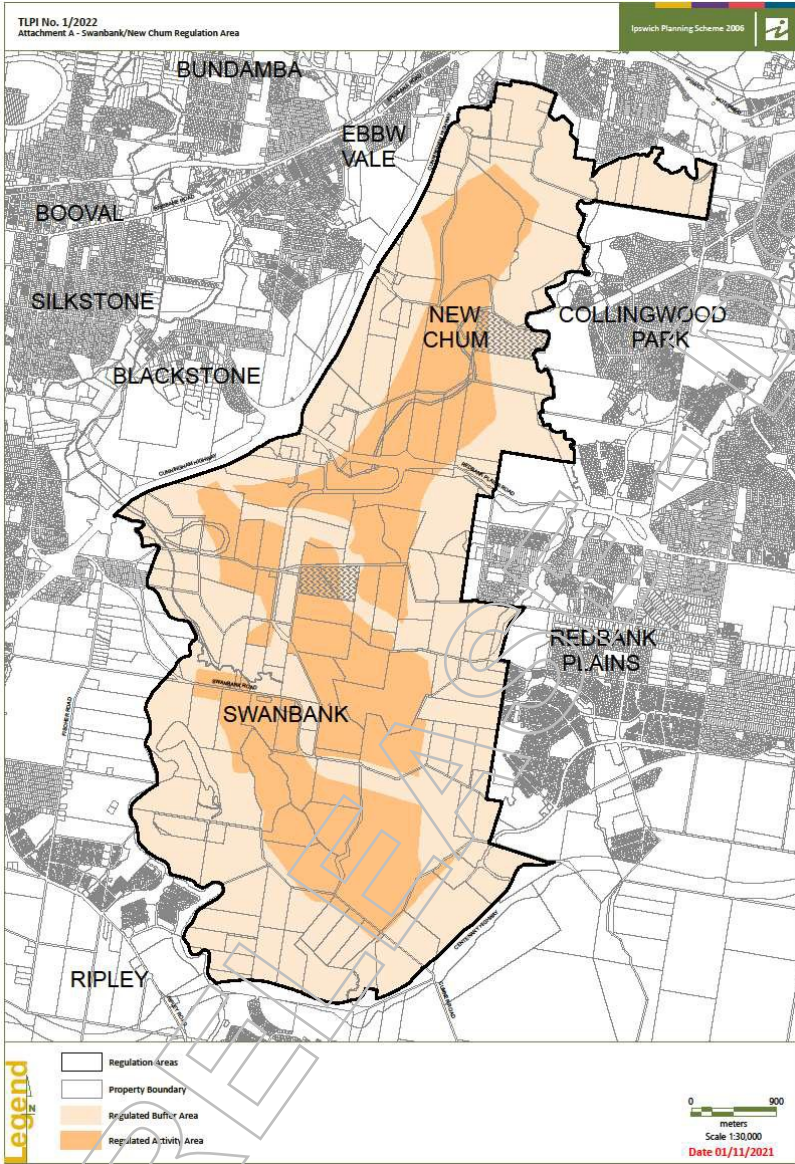
RTI RELEASE - DSDILGP

FIGURE 1: TLPI BOUNDARY

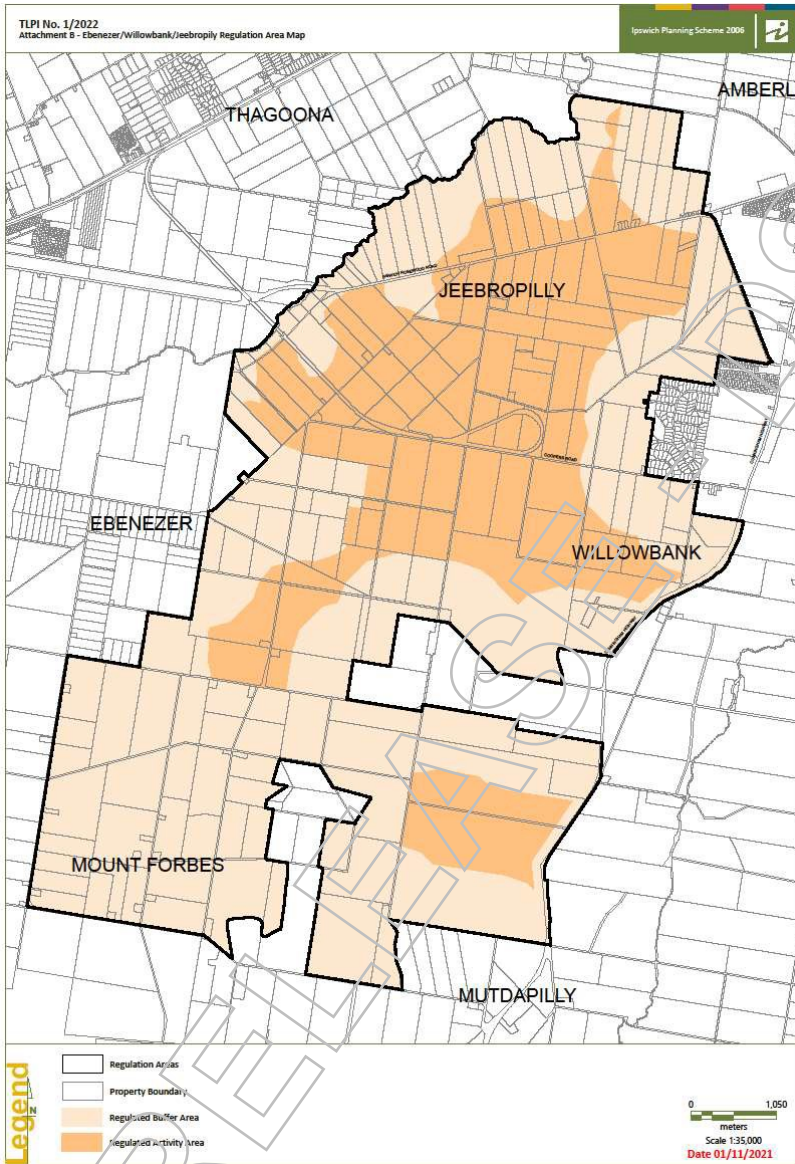


Commented [BD31]: Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



RTI RELEASE - DSDILGP



[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, 30 November 2021 8:51 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Link to new clean TLPI

Successfully saved in Pack 1 folder.

Please ensure any edits are made to the live version using below link.

[Appendix D - Ipswich Waste TLPI - 011221.docx](#)

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

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PO Box 2390, North Ipswich QLD 4305

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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

**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** Comparison light table  
**Date:** Tuesday, 30 November 2021 9:24:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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 [Detailed comparison table \(revised 30-11-21\).docx](#)

Hi [redacted]

Thanks for making a start on the comparison light table requested for our briefing material.

I've just made a few amendments to help keep things moving. A couple of highlighted sections remain which will need to be addressed first thing tomorrow morning.

[redacted] and I will finalise the instrument and then the table can pretty much be updated from there. We'll let you know once it's ready for your review.

**Nat – FYI we have been asked to only compare existing v proposed TLPI for briefing from herein.**

Thanks,  
[redacted]

[redacted]  
Planning Manager  
**SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – [meet now](#)

---

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## Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Short title</b>			
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.</li> </ul>
<b>Background</b>			
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> <li>history and need for TLPI's</li> <li>includes a statement on the planning challenge in Ipswich that is presented by waste.</li> <li>focuses on matters that can be regulated by the TLPI</li> <li>includes an item titled 'the planning challenge'</li> <li>includes background on emerging Energy from Waste (EfW) technology and associated planning challenge.</li> </ul>	New  (reflects policy intent)	<ul style="list-style-type: none"> <li>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.</li> <li>To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities.</li> <li>Waste generation cannot be regulated by the TLPI, but waste activities can.</li> </ul>
<b>Overview</b>			
This section outlines what the TLPI seeks to do, through three short statements.	Changes to: <ul style="list-style-type: none"> <li>acknowledge the Waste and Resource Management Hierarchy</li> <li>acknowledge the role that waste activities play as critical infrastructure and the need to focus on impacts on the environment</li> <li>state the TLPI seeks to balance land use, economic, social and environmental interests in TLPI Boundary</li> <li>includes reference to new mapping (i.e. Figure 1: TLPI Boundary).</li> </ul>	Amended  (code drafting)	<ul style="list-style-type: none"> <li>Removes duplication.</li> <li>To acknowledge emerging EfW technologies and associated planning challenges for Ipswich.</li> <li>Provides connection to the Queensland Government's Waste and Resource Management Hierarchy (new state government position).</li> </ul>
<b>Purpose of TLPI</b>			
This section outlines the purpose of the TLPI and how it will achieve this purpose.	This section has been modified as follows: <ul style="list-style-type: none"> <li>drafting and content changes</li> <li>clarification regarding the purpose through additional statements</li> <li>new/revised Strategic Outcomes</li> <li>outlines matters that planning decisions should seek to balance</li> <li>includes assessment benchmarks to assess EfW proposals</li> <li>re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank</li> <li>maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly</li> <li>improve the overall workability of the TLPI</li> <li>removes the section containing matters that planning decisions should seek to balance.</li> </ul>	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To better clarify the purpose, intent and outcomes sought by the TLPI.</li> <li>Introduces regulation to regulate EfW proposals in Ipswich.</li> <li>Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Duration of TLPI</b>			
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.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide clarity and consistency with the Planning Act.</li> </ul>
<b>Interpretation</b>			
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.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State waste and environmental legislation where not defined under the planning scheme.</li> </ul>
<b>Application of TLPI</b>			
This section identifies the geographical area of the TLPI.	Removed and consolidated into 'Effect of TLPI' section.	Amended (code drafting)	<ul style="list-style-type: none"> <li>Has been moved to next section 'Effect of TLPI' to simplify and condense drafting.</li> </ul>
<b>Effect of the TLPI</b>			
This section clarifies assessment benchmarks for the TLPI.	Changes to: <ul style="list-style-type: none"> <li>incorporate application of TLPI, including spatial area</li> <li>contains relocated content from the overview section that are relevant to the application of the TLPI.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>TLPI mapping</b>			
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI and has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To reflect the combined single TLPI area.</li> <li>Revised mapping is reflective of: <ul style="list-style-type: none"> <li>the same geographical area</li> <li>the same buffer and activity area extents.</li> </ul> </li> </ul>
<b>Level of assessment</b>			
Code assessable <ul style="list-style-type: none"> <li>Waste activity involving rehabilitating a mining void (within the buffer area).</li> </ul>	Policy changes to expand Code assessable development as follows: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>waste activity for a resource recovery facility (both within the buffer area and the activity area)</li> <li>waste activity for a waste transfer station or facility (within the activity area).</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Makes clearer what are desirable waste activity uses within the TLPI area.</li> <li>Restoring mining voids is one of the main ICC policy objectives – this has been advanced for the TLPI area in its entirety, however the definition has changed so that it is clear these activities would only occur where there is a former mining void that is not encumbered by an active mining lease or mine rehabilitation area/plan..</li> <li>Maintain council policy position of facilitating greater recycling and reuse opportunities by resource recovery.</li> <li>Maintain council policy position on restoring a void for both buffer areas.</li> </ul>
Impact assessable <ul style="list-style-type: none"> <li>Waste activity use involving rehabilitating a mining void (within the activity area).</li> <li>Waste activity use involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> <li>Waste activity use involving energy from waste (EfW)</li> </ul>	Policy changes to: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>landfill advanced for Ebenezer</li> <li>landfill identified as an inconsistent use for Swanbank/New Chum</li> <li>new use of EfW identified as an inconsistent use</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended	<ul style="list-style-type: none"> <li>Makes clearer what are undesirable waste activity uses within the TLPI area.</li> <li>Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported.</li> <li>Restoring a void advanced for all areas.</li> <li>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.</li> <li>Sensitive use proximity for Ebenezer is of a smaller scale, with fewer areas and number of people in the surrounds, and thus a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area.</li> <li>Maintains existing intent to avoid unenclosed composting occurring in the TLPI areas.</li> <li>Maintain existing TLPI provisions for compost manufacturing in all areas as impact assessable due to the high risks of adverse impacts associated with these uses.</li> <li>Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment.</li> </ul> <p><b>Subject to ongoing monitoring of:</b> 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	Amended	<ul style="list-style-type: none"> <li>Change merely confirms how TLPIs operate.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	(minor drafting)	
<b>Waste activity code</b>			
<b>Sections 1 and 2 (States the what the code is and Compliance with the Code)</b> <ul style="list-style-type: none"> <li>Procedural sections identifying the code.</li> <li>States if development complies with the assessment benchmarks it complies with the code.</li> </ul>	Changes to: <ul style="list-style-type: none"> <li>combine sections</li> <li>clarify that consistent development would be assessed against the assessment benchmarks, purpose and overall outcomes of the entire code</li> <li>clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, and the purpose of the TLPI</li> <li>addition regarding SO's for each area (Table 4.1).</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.</li> </ul>
<b>Section 3 (purpose and overall outcomes)</b> <ul style="list-style-type: none"> <li>States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> </ul>	Now Section 2, changes to: <ul style="list-style-type: none"> <li>expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids</li> <li>includes specific overall outcomes for Waste Activities within each area subject of the TLPI:                             <ul style="list-style-type: none"> <li>Swanbank/New Chum</li> <li>Ebenezer/Willowbank/Jeebropilly</li> </ul> </li> <li>includes specific outcomes for new EfW uses</li> <li>lists various amenity and impact avoidance outcomes for waste activities</li> <li>seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported</li> <li>expresses a preference to avoid unenclosed composting occurring in the TLPI areas</li> <li>includes new amenity protection outcomes for sensitive receiving uses</li> <li>includes provisions that specifically manage impacts from expansion of existing development</li> </ul>	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication.</li> <li>New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses).</li> <li>Maintains existing amenity protection outcomes but places increased emphasis on them.</li> </ul>
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"> <li>Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.</li> </ul>
<b>Section 4 (specific outcomes and probable solutions)</b> <ul style="list-style-type: none"> <li>Outcomes listed as numbered sections</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activities rehabilitating former mining land.</li> <li>Outcomes for earthworks associated with waste activities.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> </ul>	<ul style="list-style-type: none"> <li>Outcomes contained in a code table as per planning scheme.</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> <li>New outcomes for earthworks associated with waste activities.</li> <li>New outcomes for how waste activities are undertaken.</li> <li>Code drafting to include sign posting and reduce duplication</li> <li>Greater line of sight to purpose statement and code provisions</li> <li>Advancing and strengthening council policy intent where appropriate</li> </ul> EfW: <ul style="list-style-type: none"> <li>include assessment provisions for EfW</li> </ul>	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Specific outcomes structured in a table to align with department plan making and code drafting.</li> <li>New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives.</li> <li>New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use.</li> <li>New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances.</li> <li>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.</li> <li>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.</li> <li>New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use.</li> <li>Minor change to the existing TLPI landfill provisions for Swanbank to improve workability</li> <li>Maintain existing TLPI composting provisions for all areas</li> <li>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.</li> <li>Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<ul style="list-style-type: none"> <li>new specific outcome included on separation between any activity and existing/planned sensitive uses</li> <li>new specific outcome included to addressing the form/size/scale of any activity</li> </ul> <p>Restoring a void:</p> <ul style="list-style-type: none"> <li>new outcomes to provide for this use to occur in all areas</li> <li>new outcomes enabling this to occur as a standalone use and not combined with another activity</li> </ul> <p>Resource recovery:</p> <ul style="list-style-type: none"> <li>new outcomes to apply to resource recovery facilities as a waste activity type</li> <li>new outcomes to require landfill proposals to include resource recovery</li> </ul> <p>Landfill:</p> <ul style="list-style-type: none"> <li>establish a clear position that landfills for the disposal of waste material are managed to avoid adverse impacts and are not supported.</li> <li>new outcomes for landfills for Swanbank/New Chum identifying as undesirable</li> <li>new outcomes for landfills for Ebenezer</li> </ul> <p>Composting:</p> <ul style="list-style-type: none"> <li>outcomes as per existing TLPI</li> </ul>		<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>
<b>Definitions</b>			
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to accord with State legislation, including the following amended definitions:                             <ul style="list-style-type: none"> <li>Clean earth</li> <li>Compost manufacturing enclosed and unenclosed</li> <li>Landfill</li> <li>Restoring a void (formerly rehabilitating a mining void)</li> <li>Waste Activity</li> </ul> </li> <li>Various definitions have been revised to accord with State legislation, including the following new definitions:                             <ul style="list-style-type: none"> <li>Anaerobic digestion</li> <li>Composting</li> <li>Organic material</li> <li>Organic waste</li> <li>Enclosed system</li> <li>Feedstock</li> <li>Finished product</li> <li>Regulated Activity Area and Regulated Buffer Area</li> <li>Resource Recovery Facility</li> <li>Top of Void</li> <li>Sensitive Receiving Use</li> <li>TLPI boundary</li> <li>Void</li> <li>Energy from Waste (EfW)</li> </ul> </li> </ul>	<p>Amended (supports expanded policy intent)</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to provide further clarity and to ensure transparency.</li> <li>EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope kept very broad instead of restricting the scope to focus on certain activity types.</li> <li>To ensure consistency with existing mining and environmental frameworks.</li> <li>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.</li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<ul style="list-style-type: none"> <li>- Maintains landfill and compost manufacturing as regulated uses.</li> <li>- Inclusion of resource recovery facility as a regulated use.</li> </ul> <p>Has been moved to the back of the TLPI instrument.</p>		
<i>NA – does not address Energy from Waste</i>	Policy changes to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Rehabilitating a mining void	<p>New definition of Restoring a void.</p> <p>New definition clarifies that:</p> <ul style="list-style-type: none"> <li>• filling of such voids can only occur if involving only clean earth (i.e. not landfill)</li> <li>• only apply to former mining voids that are not encumbered by a mining lease or mine rehabilitation area/plan.</li> </ul>	New  (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts.</li> <li>• 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.</li> </ul>
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>Amended definitions expanded to include explanatory provisions aligning with Environmental Protection Regulation 2019 and Department of Environment and Science advice, as follows:</p> <ul style="list-style-type: none"> <li>• additional provisions included to define certain terms (e.g. anaerobic digestion)</li> <li>• removes 200t threshold from definition (new section included in Effect of TLPI section specifying domestic composting is not subject to TLPI)</li> </ul>	Amended  (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• New section included within Part 2 specifying domestic composting is not subject to TLPI.</li> <li>• Aligns with ICC consultation and council preference to maintain a level of flexibility when assessing composting development applications to enable a decision based on individual merits and impacts to sensitive receptors etc.</li> <li>• 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.</li> </ul>
No definition for 'top of a void' included.	Adds a new definition for top of a void proposed, as well as a graphic to support interpretation.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this is used in the TLPI.</li> </ul>
No definition included for 'resource recovery facility' (term is not used).	Adds a new definition for resource recovery facility proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout TLPI.</li> </ul>
No definition included for 'sensitive receiving uses'.	Adds a new definition for sensitive receiving uses proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout the TLPI</li> </ul>

Pages 1165 through 1266 redacted for the following reasons:

-----  
Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 9:49 AM  
**To:** [Redacted]  
**Subject:** Please progress ASAP

Hi [Redacted]

Can you please progress:

- the final instrument tidy ASAP based on our chat this morning with ICC.
- Updates to the comparison light table based on revised instrument.

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](http://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.



Pages 1268 through 1470 redacted for the following reasons:

-----  
Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP

8:41

4G

< 33

BD

Hopefully before 4pm?

Mon, 22 Nov, 8:40 am

Morning [redacted] Are you attending the monthly Planning scheme meeting, scheduled for 10.30am today? I just tried to call [redacted] to see if we could reschedule to a time closer to the briefing session. Are you able to follow up for me? Thanks, [redacted]

Yes I am. I can move it to 10 but I may be late.

[redacted] should be ok for 10am

Mon, 29 Nov, 4:30 pm

Sorry shouldn't have called back

All good

Wed, 1 Dec, 9:08 am

Thanks for the update [redacted] really appreciate it. Anna has been briefed. We'll work to finalising instrument. and get you a clean draft this afternoon. Good luck today.

Text Message





3 People >



Add and share your name and photo  
Set Up...

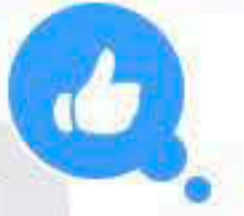


Thanks [redacted] We're on track for [redacted] to receive those docs on Monday. And for legal review to happen as discussed.

ND

Have a good weekend!

Fabulous 😄



Legal and comms have been briefed also.

NR

Wed, 1 Dec, 6:43 pm



Digging in: Qld government reviews Ipswich dump plan after council says 'No'  
brisbanetimes.com.au

NR

Mon, 6 Dec, 3:48 pm



iMessage





3 People >



Add and share your name and photo  
Set Up...



Monday. And for legal review to happen as discussed.

ND

Have a good weekend!

Fabulous 😄



Legal and comms have been briefed also.

NR

Wed, 1 Dec, 6:43 pm



Digging in: Qld government reviews Ipswich dump plan after council says 'No'  
brisbanetimes.com.au

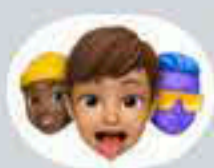
NR

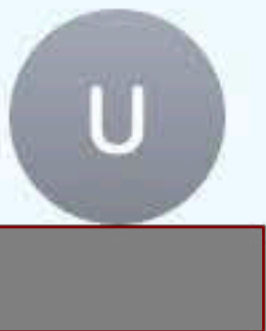
Mon, 6 Dec, 3:48 pm

Is there an MP pack bring prepared for lcc. As I asked for this last week. Thanks [Redacted]



iMessage





Add and share your name and photo  
Set Up...



Sorry, [redacted]. I'll ring [redacted] next time

Good pickup [redacted] has amended.

No problem at all. Call anytime just everythibg coincided at once!

Wed, 1 Dec, 1:24 pm

Our complete review and comparison is now complete. Getting briefing material to you now. We should probably chat though.



Can we move PCG to tomorrow?!

Seeing what we can do

Speak shortly



Ready when you see

Are

Wed, 1 Dec, 3:58 pm



iMessage





Add and share your name and photo  
Set Up...



[Redacted]

Speak shortly



Ready when you see

Are

Wed, 1 Dec, 3:58 pm

Good luck

Wed, 1 Dec, 5:25 pm

That email is with you now

Thank you for today. Really impressive the work you are doing

No problem at all [Redacted]. It's been made easier by team working together and also you providing clear direction and live feedback / updates as things progress. Thank you!

Fri, 3 Dec, 10:57 am

Not urgent. Ring me if you can but no major. I hope you're enjoying the [Redacted] today 🤔



iMessage





# Energy from Waste Policy

Queensland



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

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December 2021

#31860

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# 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%
	<b>All streams</b>	<b>45.4%</b>	<b>65%</b>	<b>80%</b>	<b>85%</b>	<b>90%</b>
	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%
	<b>All streams</b>	<b>44.9%</b>	<b>60%</b>	<b>65%</b>	<b>70%</b>	<b>75%</b>

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%
<b>Overall (% of all headline waste)</b>	<b>5%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>
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
<b>Overall (tonnes)</b>	<b>426,800</b>	<b>1,117,600</b>	<b>1,666,600</b>	<b>1,812,900</b>

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* provides 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, Infrastructure, Local Government and Planning (DSDILGP).
- The *Resource Recovery Industry Development Program*, also administered by DSDILGP, provided 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 *Respecting Country – A sustainable waste strategy for First Nation communities* sets out a path to improve waste management and resource recovery in Aboriginal and Torres Strait Islander communities.

# WASTE MANAGEMENT AND RESOURCE RECOVERY STRATEGY

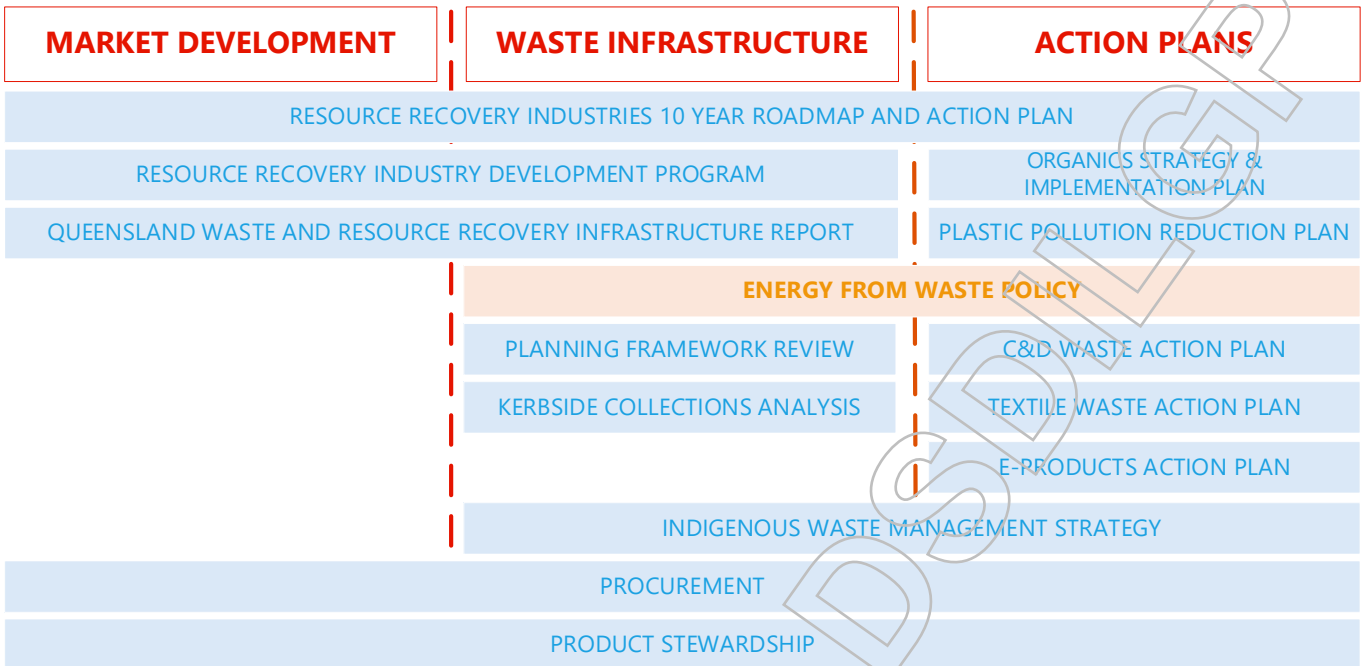


Figure 1: Key actions in implementing the Waste Management and Resource Recovery Strategy

## 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

Recognising the role that EfW facilities will play in managing Queensland's residual waste during the transition to a circular economy, and simultaneously acknowledging the need to account for community sentiment, the growing urban footprint in Queensland, evolving innovation in and understanding of emerging technologies, this policy is guided by the following underlying principles.

## 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

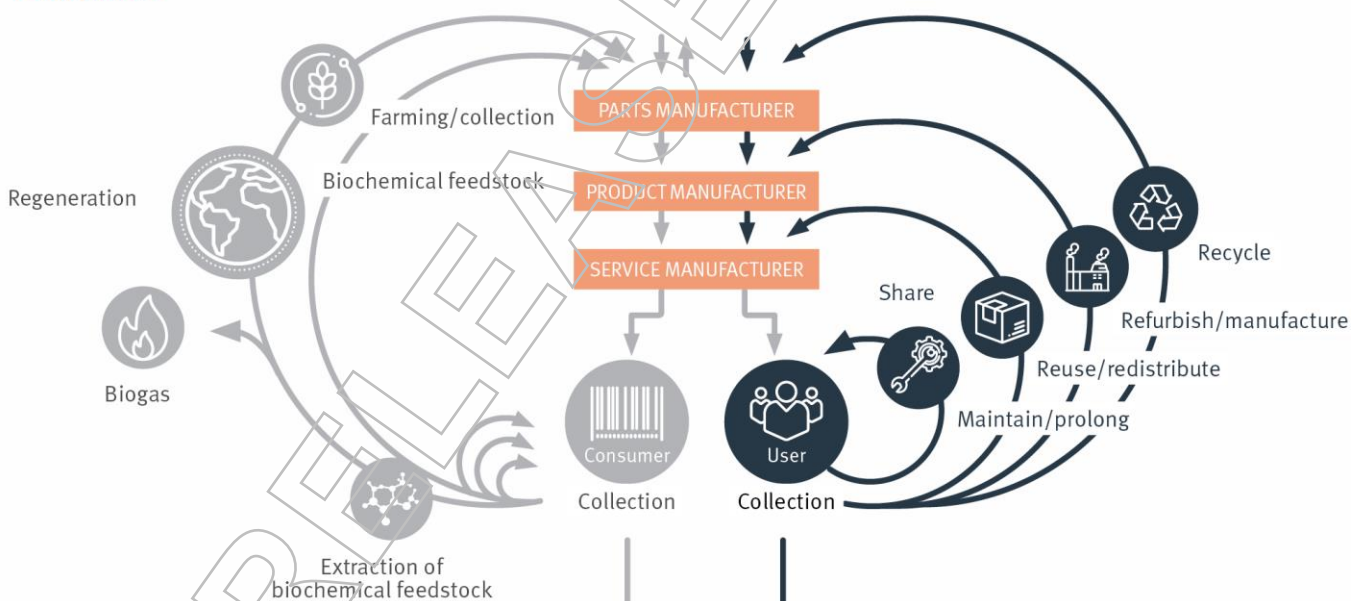
Making the transition to a circular economy is a priority under the waste strategy. A circular economy is based on the principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems (Figure 2). Transitioning from the current linear 'take-make-use-dispose' model to a truly circular economy will take time. During this transitional period, EfW provides an opportunity to capture the embodied energy in residual 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.

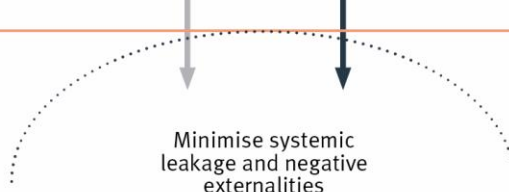
## PRINCIPLE 1



## PRINCIPLE 2



## PRINCIPLE 3



Source: Ellen MacArthur Foundation, [www.ellenmacarthurfoundation.org](http://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 or single-source residual 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.

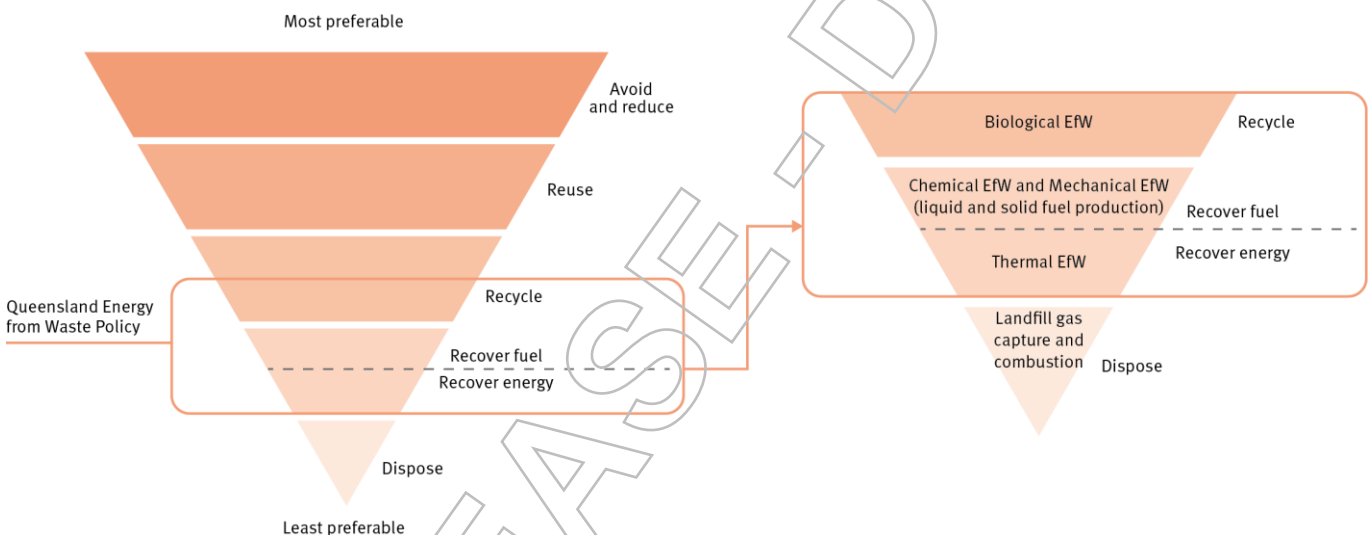


Figure 3: Waste and Resource Management Hierarchy (left), and EfW Hierarchy for residual waste (right) for Queensland

## Precautionary principle

The Precautionary Principle as set out in the *Intergovernmental Agreement on the Environment*<sup>1</sup> 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.

While respecting the Proximity Principle, EfW facilities must also adhere to the **Precautionary Principle**, to limit the risk of harm to the environment or human health as a result of air emissions or other environmental releases. Industrial growth and the emergence of new technologies and materials necessitate the use of a precautionary

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>.

approach to avoid unintended impacts from current and emerging contaminants for all communities.

Populations can still experience health impacts when emissions are below established national standards and thresholds and, for some common air pollutants, there is no safe threshold. While air quality impacts can be managed through effective regulation, tighter national air quality standards, the impacts of climate change and increasing community expectations mean greater monitoring and compliance challenges. **Consequently, EfW facilities cannot be located within or near sensitive land uses in the urban footprint such as (but not limited to) residential, aged care or child care facilities.**

## Facility location guiding principles

Queensland is moving towards the circular economy and the waste management industry is progressively evolving its role in it. The Queensland Government is committed to a modern and sustainable resource recovery industry – one that encompasses waste management, collection and logistics, innovation, energy recovery, reprocessing and remanufacturing materials, and creating secondary markets. The waste hierarchy provides guidance to industry on preferences for resource recovery activities with avoid, reduce, reuse and recycle preferred. This EfW policy supports the waste hierarchy by ensuring only residual waste is used for EfW, such that EfW does not undermine higher order resource recovery.

An important strategy to reduce the risk of harm and unintended impacts is to ensure that, in particular, thermal EfW facilities are located away from sensitive land uses within the urban footprint such as residential dwellings, schools, childcare centres, healthcare and aged care facilities, offices, and public parks. However, strategic placement of EfW facilities in suitable areas that have complementary activities (for example, allowing greater energy recovery through exploiting cogeneration opportunities) with other industrial activities can help to boost the environmental and economic benefits of recovering energy from residual waste.

In time, this may lead to changes to the location of resource recovery industries as co-located businesses, operating in precincts, 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, support innovation of waste activities and accelerate a transition to the principles underlying a circular economy. Locating EfW facilities in industrial areas occupied by, or intended for, facilities of similar size, scale and intensity provides certainty to industry as to what will be permitted, but does not necessarily preclude smaller scale, complementary or ancillary activities that are waste related.

The Queensland Government is taking a precautionary approach to the future of resource recovery industries and the relationship with communities. Actions in the *Queensland Resource Recovery Industries 10-Year Roadmap and Action Plan* (Roadmap) include the development of resource recovery precinct guidelines and location strategies. These guidelines will aim to provide certainty to industry on the preferred development of resource recovery precincts, including EfW facilities.

Through the Roadmap, the Queensland Government seeks to provide communities and industry with greater certainty about growth and economic opportunities. As the waste management and resource recovery industries evolve from landfill and waste management to resource recovery and recycling, precinct guidelines and location strategies will provide this certainty. Existing planning and environmental regulations will continue to apply, complemented by the following guiding principles:

- 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 as outlined in relevant planning instruments and regional waste and/or resource recovery infrastructure plans (e.g. South East Queensland Waste Management Plan). This provides the opportunity to align developments with current and future economic, community and environmental needs and considerations.
- Development of EfW facilities is only supported where the proposal is situated away from current and future sensitive land uses so as to prevent noise, dust, odour or emissions impacts on these sensitive land uses. The rights of residents are to be protected and the opportunity for urban growth preserved within the regional planning framework.
- Economic benefits are realised through co-location of EfW with resource recovery industries in precincts supported by existing or planned infrastructure (such as road, rail, power, water).



## 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"> <li>Anaerobic digestion of organic wastes to produce biogas, and digestate</li> <li>Fermentation of food processing wastes to produce ethanol</li> </ul>
Chemical EfW	Chemical agents are used to convert the waste feedstock into a liquid fuel	<ul style="list-style-type: none"> <li>Conversion of waste fats and oils into biodiesel using chemical catalysts</li> </ul>
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"> <li>Production of refuse derived fuel (RDF)</li> </ul>
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"> <li>Combustion with energy recovery of mixed MSW to produce heat and/or electricity</li> <li>Pyrolysis of end-of-life tyres to produce pyrolysis oil, syngas, heat, electricity</li> </ul>

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.

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# 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	Chemical EfW	Mechanical EfW	Thermal 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	✓	✓	✓	✓

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## 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<sup>2,3</sup>

- 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.

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

<sup>3</sup> 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 a social licence to operate (SLO), which has its origins in the mining and extractive industries, is increasingly becoming important for proponents in other industries, including the waste industry. SLO broadly refers to the informal licence or approval granted by a local community or stakeholders for a project. Once earned, SLO has to be maintained.

Proponents will need to ensure and demonstrate that there is SLO in the impacted communities and subsequently maintain this SLO over the expected life of the facility. EfW operators will need to be 'good neighbours' during all phases of a project in accordance with the Good Neighbour Principle. This means taking reasonable care to avoid acts or omissions that are reasonably likely to negatively impact one's neighbours.

## 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 for energy recovery but are retained in the economy for as long as possible.

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

Examples of non-residual waste include (but are not limited to) uncontaminated commingled recyclables from yellow-lid bins; source-separated green waste; and MSW, C&I and C&D waste that has not been through a resource recovery process.

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 Resource Recovery Industry Development Program (commenced in 2018-19), and the 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 Resources Safety and Health Queensland (RSHQ), 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. Proponents of EfW projects that generate fuel gas will need to determine whether the project also requires RSHQ assessment, and comply with any relevant requirements.

## Electricity authorities

Under the *Electricity Act 1994*, the Regulator (the Director-General of the Department of Energy and Public Works) 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 has prepared an EfW Guideline to provide further guidance on applying the policy in practice and to showcase Australian and international facilities that are achieving outcomes in line with the policy. Further information on the EfW Guideline is available on the Queensland Government website at: <https://www.qld.gov.au/environment/pollution/management/waste/recovery/energy-waste>.

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.

## 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](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 Levels<sup>4</sup>

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.

<sup>4</sup> 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](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>.



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 9:23 PM  
**To:** [Redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

Hi [Redacted] I almost sent to [Redacted] but she wasn't CC'd,

With the SO's for Ebenezer / Willowbank I note that compost manufacturing enclosed is listed specifically to be within the Regulated Activity Area. Was tis intentional, as it potentially adds a further restriction to the buffer area here – not necessarily an issue just trying to understand the intent of that part of SO10.

SO10 also adjusted some of the outcomes sought from our adopted version (SO6 of our version) and removes:

- (b) does not limit the establishment of productive future uses of the premises;*
- (e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises;*
- (h) implements and maintains best practice minimisation and management of adverse impacts at all times.*

I understand b and e (as we discussed this with the team) but I wonder if h is an important consideration with this situation?

I note that SO7 includes some different language along the same lines as (h) above, and also some different language to SO10(a) that could be useful for SO10.

- (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.*

On (a), I wonder if the 'does not have' vs 'protects' is actually better? As protects implies an impact that needs mitigation where the does not have may suggest that the location should ameliorate impacts as a preference? Any thoughts on this?

SO10 (a) for reference:

- (a) protects Sensitive Receiving Uses from adverse impacts of development;*

Just some late night thoughts....

[Redacted]

[Redacted] Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department



Confidential Communication | [Email Disclaimer](#)

From

Sent: Wednesday, 1 December 2021 6:04 PM

Subject: Draft waste TLPI - updated clean version

Hi

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

The key matters to note are:

- There have been no further changes to the:
  - background and context section of the TLPI since you reviewed the version on Monday 29 November.
  - Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
    - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
  - Assessment provisions of waste activities at Swanbank and Ebenezer
    - It is understood that there is concern about having different assessment criteria apply to the different regulated areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration and advice.
    - Please note – there is a minor change from the version as a result of improvements to sign-posting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council's policy integrity remains.
- Amendments have been made to:
  - Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks. However the final position will be informed by the councils advice as requested above.

- Restoring a Void provisions now cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and has been rectified in the current version of the draft TLPI.
- The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.
- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or clarify the policy intent of the provision.

I appreciate that upon receipt of the latest version that you will now brief your council. Please let us know if we can provide further information to assist this process. Ideally, and subject to you internal discussions, we would like your feedback no later than the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.



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[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 9:38 PM  
**To:** [Redacted]  
**Subject:** Fwd: Draft waste TLPI - updated clean version

Hi [Redacted]

Can you please assist with advising on the thinking. Please see below.

I'll need to provide this advice first up because council will be briefed.

Thanks,

[Redacted]

Get [Outlook for Android](#)

---

**From:** [Redacted]  
**Sent:** Wednesday, December 1, 2021, 9:22 PM  
**To:** [Redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

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SO10 (a) for reference:

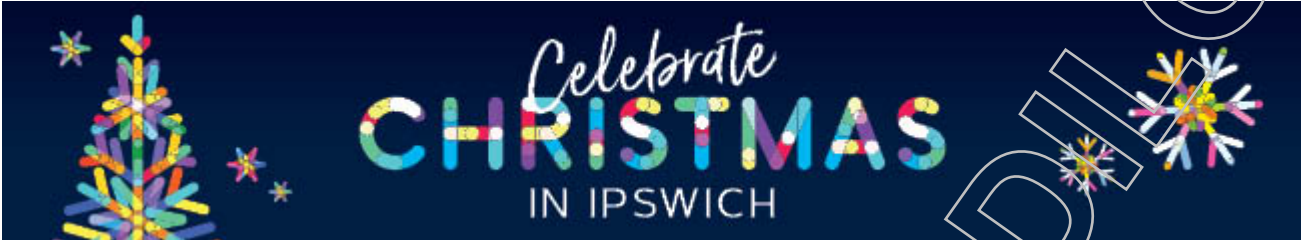
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Just some late night thoughts....



[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](#)

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**Sent:** Wednesday, 1 December 2021 6:04 PM

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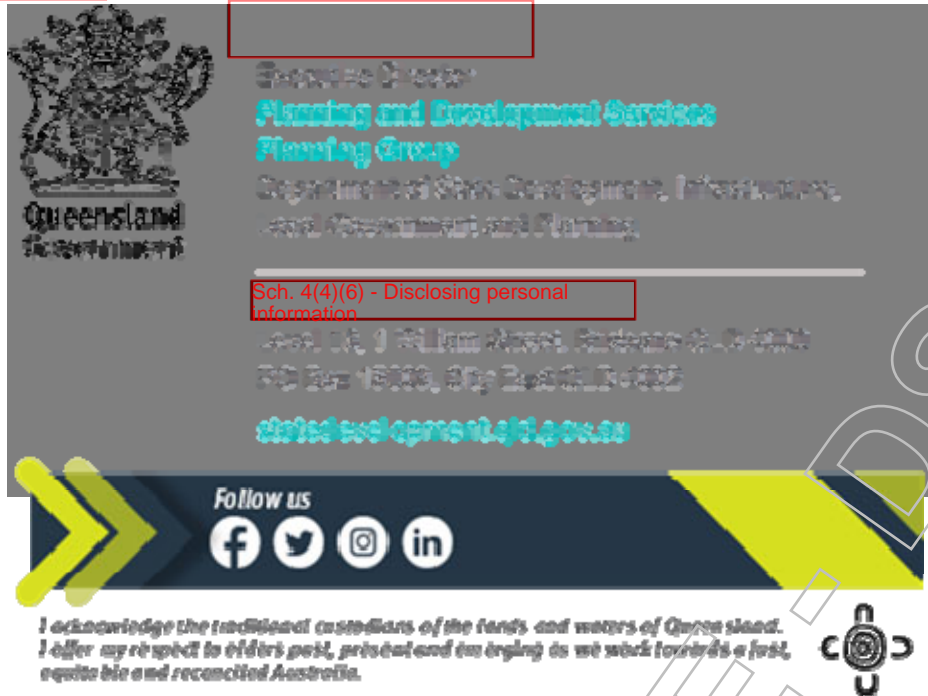
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    - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
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    - Please note – there is a minor change from the version as a result of improvements to sign-posting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council’s policy integrity remains.
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- The department has attempted to maintain the council’s proposed provisions for Resource Recovery Facilities. However, it is understood that there may be some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.

- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or clarify the policy intent of the provision.

I appreciate that upon receipt of the latest version that you will now brief your council. Please let us know if we can provide further information to assist this process. Ideally, and subject to you internal discussions, we would like your feedback no later than the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.



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[Redacted]

**From:**

[Redacted]

**Sent:**

Wednesday, 1 December 2021 9:40 AM

**To:**

[Redacted]

**Cc:**

**Subject:**

Draft TLPI documents

**Attachments:**

Detailed comparison table 24-11-2021.docx; Appendix D - Ipswich Waste TLPI - 011221.docx

**Importance:**

High

Hi

[Redacted]

As requested. We are still tidying up the instrument, but this is the cleanest copy and unlikely to change significantly based on today's discussion with [Redacted]

Comparison table is progressively being amended and should be ready by 11am.

[Redacted]



[Redacted]

Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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

## 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
<b>Short title</b>				
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"> <li>To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.</li> </ul>
<b>Background</b>				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> <li>Information on waste generation in Queensland and Ipswich</li> <li>History and need for TLPI's</li> <li>Includes a statement on the planning challenge in Ipswich that is presented by waste.</li> </ul>	Changes the Council resolved TLPI: <ul style="list-style-type: none"> <li>condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework).</li> <li>includes background on emerging Energy from Waste (EFW) technology and associated planning challenge.</li> </ul>	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> <li>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.</li> <li>To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities.</li> <li>Waste generation cannot be regulated by the TLPI, but waste activities can.</li> </ul>
<b>Overview</b>				
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"> <li>Address waste management and environmental impacts with reference to the Waste Management Hierarchy.</li> <li>Outline what the TLPI seeks to address.</li> <li>Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive.</li> <li>Not regulate activities authorised under existing Mining or Environmental regulations.</li> </ul>	Changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>acknowledges interim policy response for EFW.</li> <li>Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code.</li> <li>moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate).</li> <li>moves reference to ICC directive from the overview section to the background section</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>To acknowledge emerging EFW technologies and associated planning challenges for Ipswich.</li> <li>Removes duplication.</li> <li>Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive</li> </ul>
<b>Purpose of TLPI</b>				
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"> <li>Clarification regarding the purpose through additional statements.</li> <li>New/revised Strategic Outcomes.</li> <li>Outlines matters that planning decisions should seek to balance.</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>includes assessment benchmarks to assess EFW proposals.</li> <li>re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank.</li> <li>maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly.</li> <li>improve the overall workability of the TLPI</li> <li>removes the section containing matters that planning decisions should seek to balance.</li> </ul>	Amended (expands policy intent)	<ul style="list-style-type: none"> <li>Introduces regulation to regulate EFW proposals in Ipswich.</li> <li>To better clarify the purpose, intent and outcomes sought by the TLPI.</li> <li>Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).</li> </ul>
<b>Duration of TLPI</b>				
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"> <li>To provide clarity and consistency with the Planning Act.</li> </ul>
<b>Interpretation</b>				
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"> <li>To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State</li> </ul>



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.
<b>Application of TLPI</b>				
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"> <li>Has been moved to next section 'Effect of TLPI'.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>Effect of the TLPI</b>				
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"> <li>incorporates application of TLPI, including spatial area (above).</li> <li>contains relocated content from the overview section that are relevant to the application of the TLPI.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>TLPI mapping</b>				
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"> <li>To reflect the combined single TLPI area.</li> <li>Revised mapping is reflective of: <ul style="list-style-type: none"> <li>the same geographical area</li> <li>the same buffer and activity area extents.</li> </ul> </li> </ul>
<b>Level of assessment</b>				
Code assessable <ul style="list-style-type: none"> <li>Waste activity involving rehabilitating a mining void (within the buffer area).</li> </ul>	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> <li>Restoring a void (both within the buffer area and the activity area).</li> <li>Waste activity for a resource recovery facility (both within the buffer area and the activity area).</li> <li>Waste activity for a waste transfer station or facility (within the activity area).</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>restoring a void advanced for Swanbank</li> <li>restoring a void not advanced for Ebenezer</li> </ul> Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> <li>Makes clearer what are desirable waste activity uses within the TLPI area.</li> <li>Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum.</li> <li>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.</li> <li>Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery.</li> <li>Maintain council position on restoring a void for both buffer areas.</li> </ul>
Impact assessable <ul style="list-style-type: none"> <li>Waste activity use involving rehabilitating a mining void (within the activity area).</li> <li>Waste activity use involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> <li>Waste activity use involving energy from waste (EfW)</li> </ul>	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"> <li>Waste activity that is not code assessable – inconsistent use (within the buffer area).</li> <li>Waste activity involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>restoring a void not advanced for Ebenezer</li> <li>landfill advanced for Ebenezer</li> <li>new use of EfW identified as an inconsistent use</li> </ul> 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"> <li>Makes clearer what are undesirable waste activity uses within the TLPI area.</li> <li>Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas.</li> <li>Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses.</li> <li>Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment.</li> </ul> <p><b>Subject to ongoing monitoring of:</b> 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"> <li>Change merely confirms how TLPIs operate.</li> </ul>

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"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>		(minor drafting)	
<b>Waste activity code</b>				
<b>Sections 1 and 2 (States the what the code is and Compliance with the Code)</b> <ul style="list-style-type: none"> <li>Procedural sections identifying the code.</li> <li>States if development complies with the assessment benchmarks it complies with the code.</li> </ul>	Sections 1 and 2 <ul style="list-style-type: none"> <li>New provision added for when development is undesirable and not likely to be approved.</li> </ul>	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> <li>sections have been combined</li> <li>clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.</li> </ul>
<b>Section 3 (purpose and overall outcomes)</b> <ul style="list-style-type: none"> <li>States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> </ul>	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> <li>Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids.</li> <li>Includes new amenity protection outcomes for sensitive receiving uses.</li> <li>Includes new land use outcomes for regional business areas.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> <li>seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported.</li> <li>Expresses a preference to avoid unenclosed composting occurring in the TLPI areas.</li> </ul>	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> <li>EfW purpose statements have been added</li> <li>specific overall outcomes for Waste Activities in Swanbank/New Chum have been added</li> <li>specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added</li> <li>better line of sight – purpose statements reflecting detailed code provisions</li> </ul>	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication.</li> <li>New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses).</li> <li>Maintains existing amenity protection outcomes but places increased emphasis on them.</li> </ul> <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"> <li>Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.</li> </ul>
<b>Section 4 (specific outcomes and probable solutions)</b> <ul style="list-style-type: none"> <li>Outcomes listed as numbered sections</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activities rehabilitating former mining land.</li> <li>Outcomes for earthworks associated with waste activities.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> </ul>	Section 4 specific outcomes <ul style="list-style-type: none"> <li>Outcomes contained in a code table as per planning scheme.</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> <li>New outcomes for rehabilitating former mining land and is not tied to a waste activity.</li> <li>New outcomes for restoring a void.</li> <li>New outcomes for earthworks associated with waste activities.</li> <li>New outcomes for how waste activities are undertaken.</li> <li>Establish a clear position that landfills for the disposal of waste material are managed to avoid</li> </ul>	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> <li>Code drafting to include sign posting and reduce duplication</li> <li>Greater line of sight to purpose statement and code provisions</li> <li>Advancing and strengthening council policy intent where appropriate</li> </ul> EfW: <ul style="list-style-type: none"> <li>include assessment provisions for EfW</li> <li>new specific outcome included on separation between any activity and existing/planned sensitive uses</li> <li>new specific outcome included to addressing the form/size/scale of any activity</li> </ul> Restoring a void: <ul style="list-style-type: none"> <li>new outcomes to provide for this use to occur as per council resolved TLPI</li> </ul>	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Specific outcomes structured in a table to align with department plan making and code drafting.</li> <li>New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives.</li> <li>New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use.</li> <li>New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances.</li> <li>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.</li> <li>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.</li> <li>New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use.</li> <li>Minor change to the existing TLPI landfill provisions for Swanbank to improve workability</li> </ul>

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"> <li>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.</li> <li>Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>effect of the specific outcomes limited to Swanbank/New Chum</li> </ul> <p>Resource recovery:</p> <ul style="list-style-type: none"> <li>new outcomes to include resource recovery facilities</li> <li>minor change to council resolved TLPI to address co-location with landfill proposals</li> </ul> <p>Landfill:</p> <ul style="list-style-type: none"> <li>new outcomes for landfills to align with council resolved TLPI for Swanbank</li> <li>maintain existing TLPI outcomes for Ebenezer</li> </ul> <p>Composting:</p> <ul style="list-style-type: none"> <li>as per council resolved TLPI</li> </ul>		<ul style="list-style-type: none"> <li>Maintain existing TLPI landfill provisions for Ebenezer.</li> <li>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.</li> </ul> <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>
<b>Definitions</b>				
Defines Waste Activity and the various uses regulated by the TLPI.	<ul style="list-style-type: none"> <li>Various definitions have been revised to accord with State legislation, including the following amended definitions:                             <ul style="list-style-type: none"> <li>Clean earth</li> <li>Compost manufacturing enclosed and unenclosed</li> <li>Landfill</li> <li>Restoring a void (formerly rehabilitating a mining void)</li> <li>-</li> </ul> </li> <li>Various definitions have been revised to accord with State legislation, including the following new definitions:                             <ul style="list-style-type: none"> <li>Anaerobic digestion</li> <li>Composting</li> <li>Organic material</li> <li>Organic waste</li> <li>Enclosed system</li> <li>Feedstock</li> <li>Finished product</li> <li>Regulated Activity Area and Regulated Buffer Area</li> <li>Resource Recovery Facility</li> <li>Top of Void</li> <li>Sensitive Receiving Use</li> <li>TLPI boundary</li> <li>Void</li> </ul> </li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> <li>EfW definition</li> </ul> <p>Has been moved to the back of the TLPI instrument.</p>	Amended  (supports expanded policy intent)	<ul style="list-style-type: none"> <li>Maintain council policy position by retaining all previously proposed definitions.</li> <li>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.</li> <li>To ensure consistency with existing mining and environmental frameworks.</li> <li>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</li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>
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"> <li>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.</li> </ul>

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"> <li>only apply to the Swanbank/New Chum Area</li> </ul>	New (expanded policy intent)	<ul style="list-style-type: none"> <li>Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts.</li> <li>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.</li> </ul>
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"> <li>New section included within Part 2 specifying domestic composting is not subject to TLPI.</li> <li>ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> <li>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.</li> </ul>
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"> <li>To provide clarification where this is used in the TLPI.</li> </ul>
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"> <li>To provide clarification where this term is used throughout TLPI.</li> </ul>
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"> <li>To provide clarification where this term is used throughout the TLPI</li> </ul>

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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

**Commented [KH1]:** Placeholder for further review

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a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

**Commented [BD2]:** Should this also state that the policy work has not been completed and is expected to evolve over time.

### The Planning Challenge

- 1.7. 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 [UM3R2]:** For discussion with KF.  
**Sch. 3(2)(1)(b) - Reveal Cabinet consideration or otherwise prejudice confidentiality of Cabinet considerations or operations**

### PART 2 – OVERVIEW

- 2.1. This TLPI provides an interim policy response in respect Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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.

**Commented [UM5]:** Changed to TLPI map to be a Figure instead, so that the mapping can be located at the back of document.

**Commented [BD6R5]:** Mapping is titled (on plan) which needs consideration.

**Commented [KH7R5]:** Need to review all plans/figures with UM

### 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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 of the TLPI.
- (3) Relevant provisions described in section 3 of the Waste Activity Code are addressed for certain Waste Activities.

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**Commented [BD5]:** What's the purpose of this clause?

**Commented [UM9R8]:** 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.

**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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (iii) protects and improves the natural environment and does not negatively impact on

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**Commented [BD10]:** 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 [KH11R10]:** 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.

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**Commented [KH12]:** For noting given ICC comments on these outcomes. Wording maintains ICC outcome but adjusts based on the areas they apply to.

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**Commented [ND13]:** 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 [BD14R13]:** 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?

**Commented [UM15R13]:** For discussion with KF

**Commented [KH16R13]:** 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)

**Commented [DG17R13]:** 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.

**Commented [KH18R13]:** For discussion with UM

**Commented [UM19R13]:** As per discussion with AM – provisions are broad and flexible enough to allow a favourable decision on smaller scale/desirable WfE proposals

- 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:
- 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.
- (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:
- 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.
- (d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
- (e) Energy from Waste Facilities within the TLPI Boundary:
- are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
  - 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 and minimises a high standard of amenity by minimising environmental and amenity impacts on existing and proposed residential areas;
- (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)(h) New or expanded landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

**Formatted:** List Paragraph, Indent: Left: 1.75 cm, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm, Tab stops: 3.03 cm, Left + 3.03 cm, Left + Not at 4.91 cm + 4.91 cm

**Commented [UM20]:** Still not comfortable with this.

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### 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, 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 – SO9; and SO10 – SO17

**Commented [UM21]:** Double check this

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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.; and (g)	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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.	
(10) The use of premises for Restoring a Void uses: (c) materials sourced from the premises in priority to the importation of materials from other locations; and (d) for any shortfall, Clean Earth.	No probable solution provided
<b>Waste Activities</b>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
(11) 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
(12) 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
(13) 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
<b>Filling and earthworks</b>	
(14) 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
(15) 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
<b>Landscaping and visual amenity</b>	

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(16) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.</li> </ul>	<p>No probable solution provided</p>
<p><b>Stormwater and groundwater management</b></p>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(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;</li> <li>(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;</li> <li>(i) for Landfill, ensure that leachate levels will</li> </ul>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>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>(18) 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>	<p>No probable solution provided</p>

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [BD22]:** Broader assessment benchmarks required. Check references to sections.

**Commented [UM23R22]:** For discussion tomorrow with [redacted]

**Commented [BD24]:** As above.

**Commented [BD25]:** Why are the benchmarks here more extensive than Swanbank? Suggest consistency for all impact assessable development.

**Commented [UM26R25]:** ?

**Commented [BD27]:** Note above.



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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

Commented [UM28]: New use and impact assessment incorporated.

## ATTACHMENT C: 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*

- (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 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.
- 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).

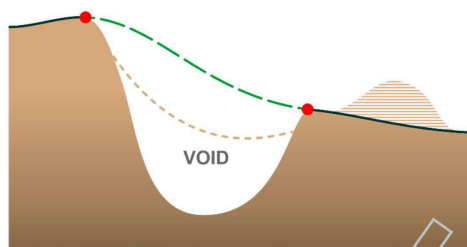
For the purposes of Waste (8.5) the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

- 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.

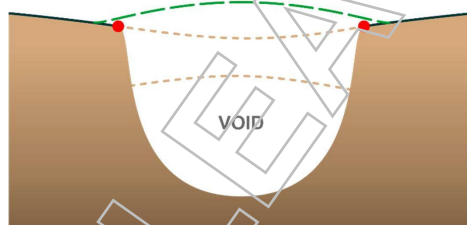
**Note:** this definition applies to activities proposing to restore former mine voids which are not subject to current or active mining leases or mine rehabilitation areas.

**Commented [UM29]:** KH – please check terminology is consistent with DoR terms and leg.

- 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”;

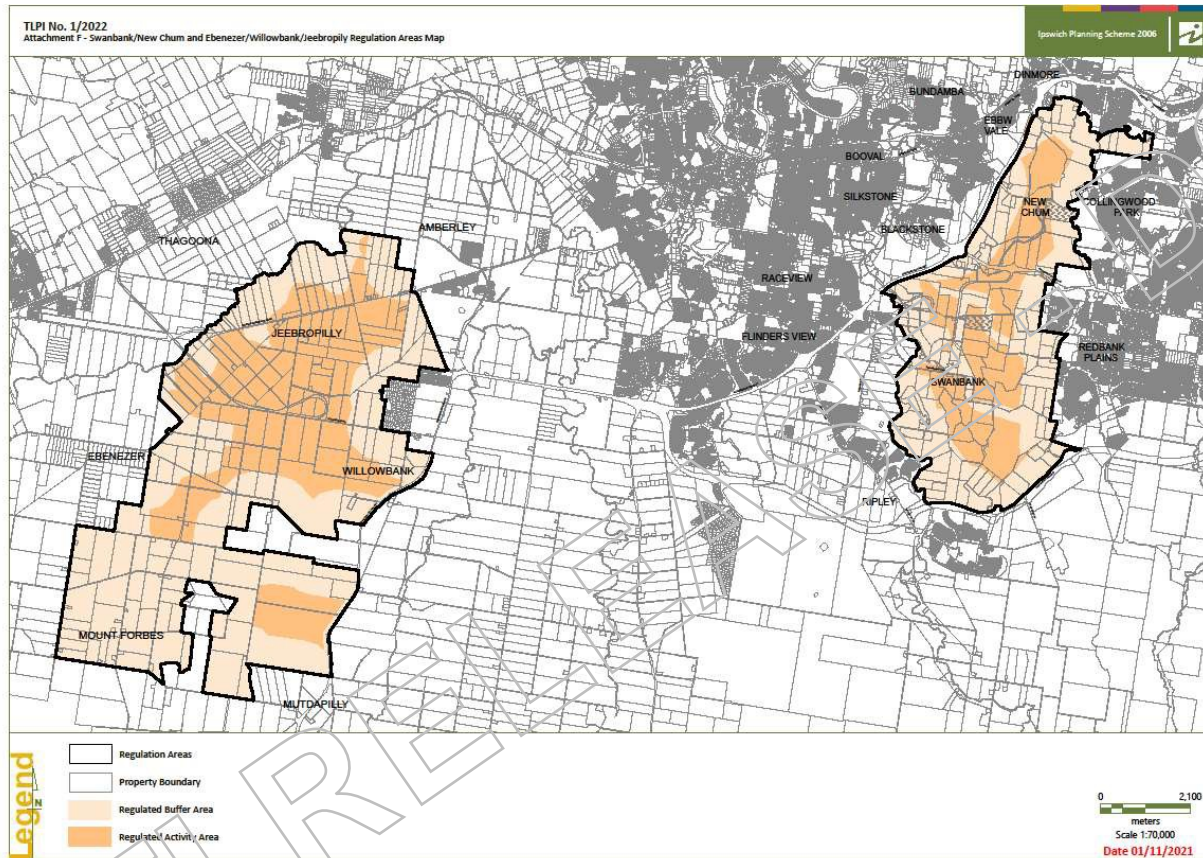
- (iii) "Energy from Waste Facility";
- (iv) "Landfill";
- (v) "Resource Recovery Facility"; and

(b) any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

Commented [ND30]: Inserted to ensure provisions apply to energy from waste activities

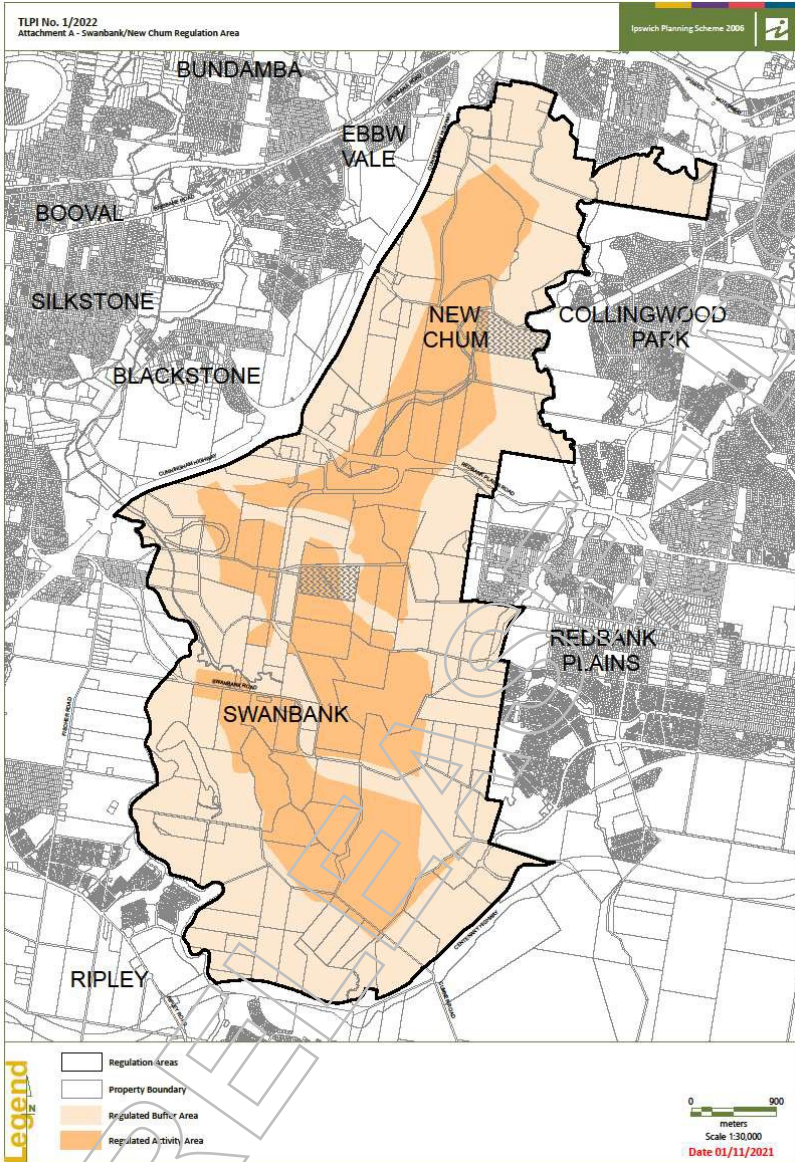
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**FIGURE 1: TLPI BOUNDARY**

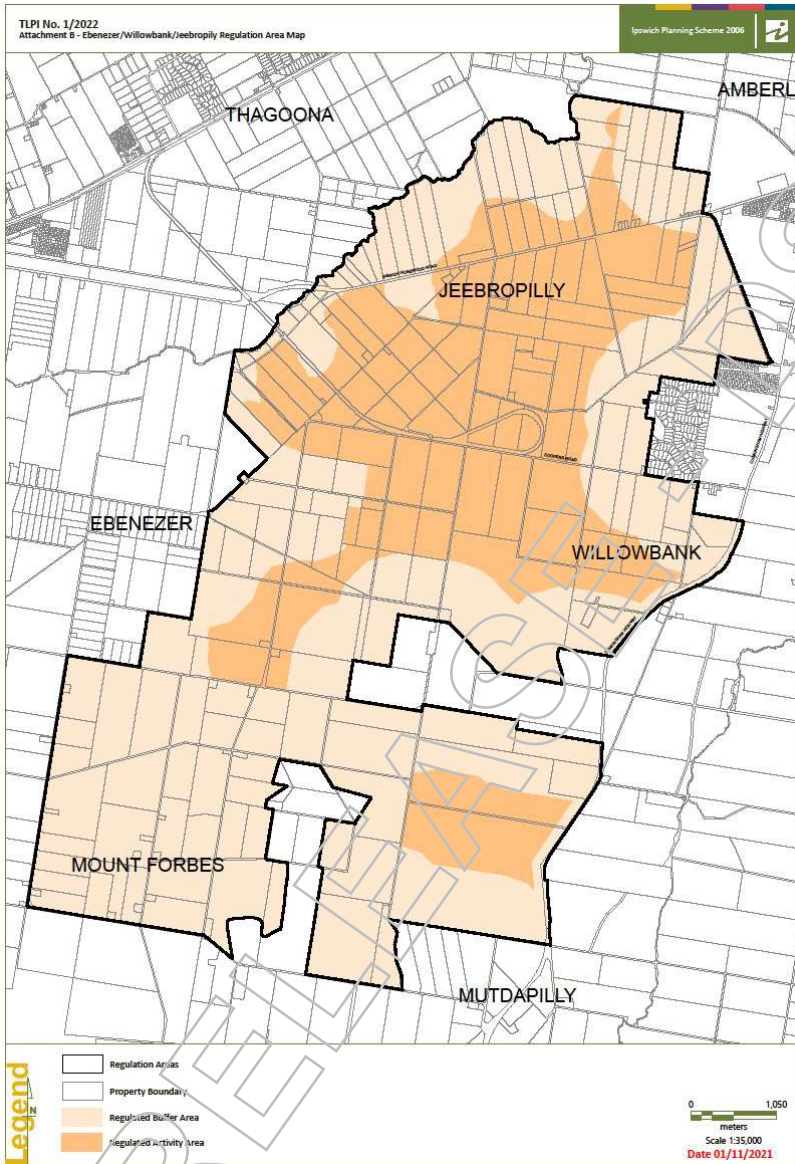


**Commented [BD31]:** Note the plans themselves have titles that differ from what's now in the document.

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**





**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** RE: Draft TLPI documents  
**Date:** Wednesday, 1 December 2021 9:40:51 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Awesome – thank you

---

**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 9:40 AM

[redacted]  
**Subject:** Draft TLPI documents  
**Importance:** High

Hi [redacted]

As requested. We are still tidying up the instrument, but this is the cleanest copy and unlikely to change significantly based on today's discussion with [redacted]

Comparison table is progressively being amended and should be ready by 11am.

[redacted]

[redacted]  
Planning Manager  
**SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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

---

**From:** [redacted]  
**To:** [redacted]  
**Subject:** Re: Draft waste TLPI - updated clean version  
**Date:** Wednesday, 1 December 2021 9:50:46 PM  
**Attachments:** [image001.png](#)

---

We'll come back to you first thing [redacted]

[redacted]  
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**From:** [redacted]  
**Sent:** Wednesday, December 1, 2021 9:37:49 PM

[redacted]  
**Subject:** Fwd: Draft waste TLPI - updated clean version

Hi [redacted]

Can you please assist with advising on the thinking. Please see below.

I'll need to provide this advice first up because council will be briefed.

Thanks,

[redacted]  
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---

**From:** [redacted]  
**Sent:** Wednesday, December 1, 2021, 9:22 PM  
**To:** [redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

H [redacted] I almost sent to [redacted] ut she wasn't CC'd,

With the SO's for Ebenezer / Willowbank I note that compost manufacturing enclosed is listed specifically to be within the Regulated Activity Area. Was tis intentional, as it potentially adds a further restriction to the buffer area here – not necessarily an issue just trying to understand the intent of that part of SO10.

SO10 also adjusted some of the outcomes sought from our adopted version (SO6 of our version) and removes:

*(b) does not limit the establishment of productive future uses of the premises;*

*(e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises;*

*(h) implements and maintains best practice minimisation and management of adverse impacts at all times.*

I understand b and e (as we discussed this with the team) but I wonder if h is an important consideration with this situation?

I note that SO7 includes some different language along the same lines as (h) above, and also some different language to SO10(a) that could be useful for SO10.

- (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.

On (a), I wonder if the 'does not have' vs 'protects' is actually better? As protects implies an impact that needs mitigation where the does not have may suggest that the location should ameliorate impacts as a preference? Any thoughts on this?

SO10 (a) for reference:

**(a) protects** Sensitive Receiving Uses from adverse impacts of development;

Just some late night thoughts...



Manager, City Design

City Design Branch

Planning and Regulatory Services Department

IPSWICH CITY COUNCIL

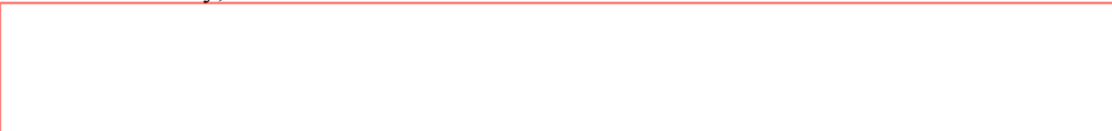
Sch. 4(4)(6) - Disclosing personal information



Confidential Communication | [Email Disclaimer](#)

**From:** [Redacted]

**Sent:** Wednesday, 1 December 2021 6:04 PM



**Subject:** Draft waste TLPI - updated clean version

Hi [Redacted]

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

The key matters to note are:

- There have been no further changes to the:

- background and context section of the TLPI since you reviewed the version on Monday 29 November.
- Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
  - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
- Assessment provisions of waste activities at Swanbank and Ebenezer
  - It is understood that there is concern about having different assessment criteria apply to the different regulated areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration and advice.
  - Please note – there is a minor change from the version as a result of improvements to sign-posting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council’s policy integrity remains.
- Amendments have been made to:
  - Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks. However the final position will be informed by the councils advice as requested above.
  - Restoring a Void provisions now cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and has been rectified in the current version of the draft TLPI.
- The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.
- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or clarify the policy intent of the provision.

I appreciate that upon receipt of the latest version that you will now brief your council. Please let us know if we can provide further information to assist this process. Ideally, and subject to you internal discussions, we would like your feedback no later than the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.





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](http://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.*



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DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 9:51 PM  
**To:** [Redacted]  
**Subject:** Re: Draft waste TLPI - updated clean version  
**Categories:** FYI

We'll come back to you first thing [Redacted]  
[Redacted]

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---

**From:** [Redacted]  
**Sent:** Wednesday, December 1, 2021 9:37:49 PM

[Redacted]

Can you please assist with advising on the thinking. Please see below.  
I'll need to provide this advice first up because council will be briefed.  
Thanks,

[Redacted]

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---

**From:** [Redacted]  
**Sent:** Wednesday, December 1, 2021, 9:22 PM  
**To:** [Redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

Hi [Redacted] I almost sent to [Redacted] but she wasn't CC'd,  
With the SO's for Ebenezer / Willowbank I note that compost manufacturing enclosed is listed specifically to be within the Regulated Activity Area. Was tis intentional, as it potentially adds a further restriction to the buffer area here – not necessarily an issue just trying to understand the intent of that part of SO10.  
SO10 also adjusted some of the outcomes sought from our adopted version (SO6 of our version) and removes:

- (b) does not limit the establishment of productive future uses of the premises;*
- (e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises;*
- (h) implements and maintains best practice minimisation and management of adverse impacts at all times.*

I understand b and e (as we discussed this with the team) but I wonder if h is an important consideration with this situation?

I note that SO7 includes some different language along the same lines as (h) above, and also some different language to SO10(a) that could be useful for SO10.

- (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.

On (a), I wonder if the 'does not have' vs 'protects' is actually better? As protects implies an impact that needs mitigation where the does not have may suggest that the location should ameliorate impacts as a preference? Any thoughts on this?

SO10 (a) for reference:

- (a) **protects** Sensitive Receiving Uses from adverse impacts of development;

Just some late night thoughts....

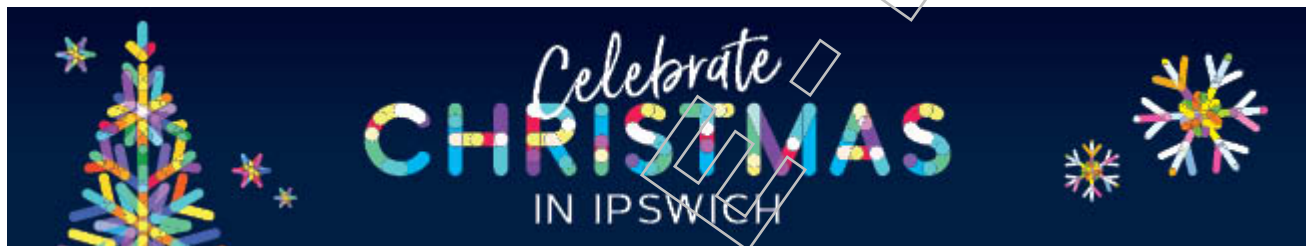
[Redacted]



[Redacted] | Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL | Sch. 4(4)(6) - Disclosing personal information

DSD/LL/21/038



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From: [Redacted]

Sent: Wednesday, 1 December 2021 6:04 PM

[Redacted]

**Subject:** Draft waste TLPI - updated clean version

Hi [Redacted]

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

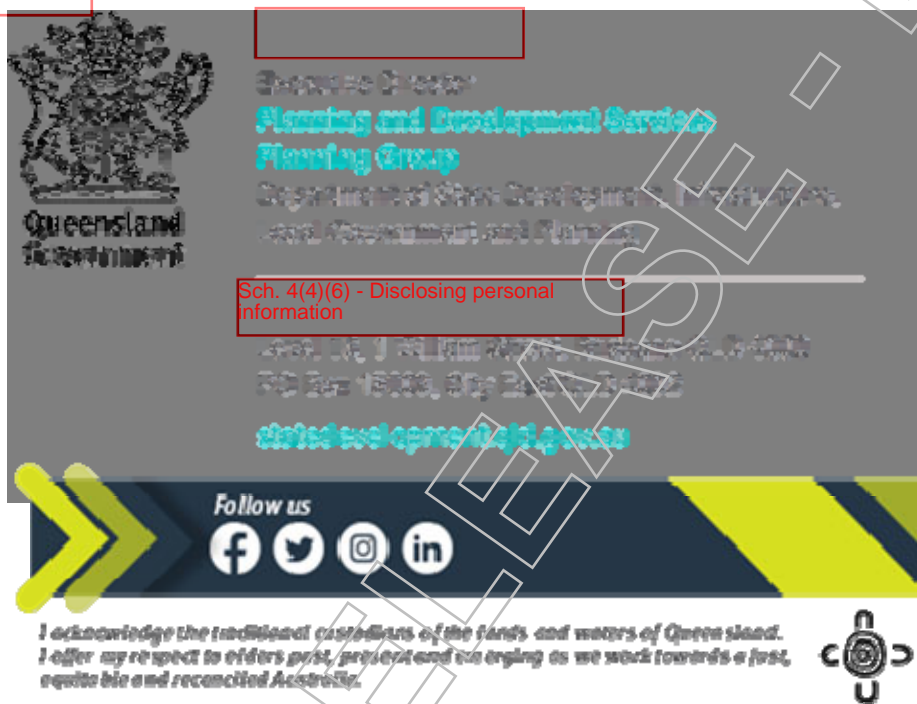
The key matters to note are:

- There have been no further changes to the:
  - background and context section of the TLPI since you reviewed the version on Monday 29 November.
  - Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
    - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
  - Assessment provisions of waste activities at Swanbank and Ebenezer
    - It is understood that there is concern about having different assessment criteria apply to the different regulated areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration and advice.

- Please note – there is a minor change from the version as a result of improvements to signposting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council’s policy integrity remains.
- Amendments have been made to:
  - Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks. However the final position will be informed by the councils advice as requested above.
  - Restoring a Void provisions now cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and has been rectified in the current version of the draft TLPI.
- The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.
- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or clarify the policy intent of the provision.

I appreciate that upon receipt of the latest version that you will now brief your council. Please let us know if we can provide further information to assist this process. Ideally, and subject to you internal discussions, we would like your feedback no later than the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.



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[Redacted]

**From:**

**Sent:**

Wednesday, 1 December 2021 10:04 AM

**To:**

**Cc:**

**Subject:**

Planning assess report

Hi [Redacted]

As discussed last night, we are going to need you to focus on the state interests review / assessment in the PAR today too.

We'll regroup after this chat with legal.

Thanks,

[Redacted]



[Redacted]

Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – [meet now](#)

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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, 1 December 2021 10:05 AM  
**To:** [Redacted]  
**Subject:** FW: Comseq SEQWMP and TLPI assessment (003)  
**Attachments:** Comseq SEQWMP and TLPI assessment (003).docx

Hi [Redacted]

Can you please double check and ensure the assessment benchmarks for EfW provide sufficient flexibility to allow for circumstances as per highlight below?

I believe they do – its implied at the very least. But a critical eye would be good.

Thanks,  
[Redacted]



[Redacted]

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

**From:** [Redacted]

**Sent:** Wednesday, 1 December 2021 9:22 AM

[Redacted]

**Subject:** FW: Comseq SEQWMP and TLPI assessment (003)

Morning [Redacted]

As requested the Comseq report assessment has been reviewed. Please see comments and minor track changes in attached. A new para has been inserted in the front end to reinforce the timing based the residual waste requirements.

In response to your request about the small scale facilities following our discussion yesterday we can suggest the following wording (you may wish to refine)

*Smaller scale EfW facilities and complementary or ancillary activities that are waste related are supported in industrial areas where facilities of similar size, scale and intensity are located.*

This has been based on the revised EfW policy document which stated –

Locating EfW facilities in industrial areas occupied by, or intended for, facilities of similar size, scale and intensity provides certainty to industry as to what will be permitted, but does not necessarily preclude smaller scale, complementary or ancillary activities that are waste related.

We wanted to ensure the words reflected the policy without reproducing.

Any questions happy to help as always.

Thanks



Manager  
**Policy and Statutory Planning, Planning Group**  
Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

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RTI RELEASE

*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'.
- In terms of residual waste, the report identifies that the scale of processing capacity required in South East Queensland to achieve the targets set by the Queensland Government Waste Management and Resource Recovery Strategy, for combined MSW and C&I waste streams is 1 million tonnes by 2030 and 1.7million tonnes by 2050, indicating a requirement for ~ 4 facilities by 2030, and an additional 1-2 by 2050.
- 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 consistency
<b>Comingled recycling</b> <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 <del>for comingled recycling</del> relate to behavioural change and market <del>insensitive incentives</del>. 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
<b>Organics</b> <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 <b>Caveat</b> 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.

**Commented [BH2R1]:** It makes sense to compare the TLPI against the immediate term waste management response given the temporary and short-term nature of the TLPI. This will give ICC time to align their policy intent with the recommendations in the report and the broader waste strategy longer term

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 <b>XXX comp post plan xx released by DES in July 2021.</b></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"> <li>Community sentiment on odour warrants the adoption of a precautionary approach to compost manufacturing as part of the TLPI.</li> <li>One existing composting operator seeking to contemporise their operations by including in-vessel composting. Ipswich City Council are seeking a precautionary approach in <a href="#">order</a> to ascertain success of in-vessel composting before adopting specific benchmarks.</li> <li><a href="#">The TLPI does not prohibit the development of large scale composting activities, as a planning instrument cannot prohibit these type of activities. The provisions do provide strong assessment provisions that seek to direct those locations where these activities can establish and impose criteria they need to be assessed against.</a></li> <li>Provisions do not limit the application of an in-vessel composting system being lodged and assessed on their merits.</li> </ul>	

**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 [BH2R1]:** It makes sense to compare the TLPI against the immediate term waste management response given the temporary and short-term nature of the TLPI. This will give ICC time to align their policy intent with the recommendations in the report and the broader waste strategy longer term

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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
			<ul style="list-style-type: none"> <li>New planning scheme provisions to be prepared which will offer a longer term solution for compost manufacturing.</li> </ul>	
<b>Residual</b>  <i>'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.</i>	Nil	<ol style="list-style-type: none"> <li>In the immediate term, optimise waste flows by pulling all levers further up the waste hierarchy, to create a stream that is true residual</li> <li>Periodically review alternative waste treatment (AWT) technology developments, and emerging solutions preferable for residual Municipal Waste Streams (MSW)</li> <li>Work with DSD on land use planning and State Development Areas for residual (Thermal EfW or other AWT technology facilities)</li> </ol>	<p><b>Landfill</b></p> <p>The proposed TLPI seeks to implement a higher assessment benchmark for proposed landfills at Swanbank/New Chum and seeks to maintain provisions in existing TLPI's for the management of waste in Willowbank/Ebenezer/Jebropilly.</p> <p><u>The TLPI does not prohibit the development of landfills, as a planning instrument cannot prohibit these type of activities. The provisions do provide strong assessment provisions that seek to direct those locations where landfills can establish and impose criteria they need to be assessed against.</u></p> <p>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.</p> <p><b>Energy from Waste</b></p> <p>The plan sets out that opportunities for optimising the treatment of residual Municipal Solid Waste</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.

**Commented [BH2R1]:** It makes sense to compare the TLPI against the immediate term waste management response given the temporary and short-term nature of the TLPI. This will give ICC time to align their policy intent with the recommendations in the report and the broader waste strategy longer term

**Commented [UM3]:** Check back, depending on where changes land with ICC comments.

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
			(MSW) should occur. However, the department views the emerging technology <ul style="list-style-type: none"> <li>o INSERT ASSESSMENT OF EfW and thermal energy</li> </ul>	

**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 [BH2R1]:** It makes sense to compare the TLPI against the immediate term waste management response given the temporary and short-term nature of the TLPI. This will give ICC time to align their policy intent with the recommendations in the report and the broader waste strategy longer term

**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 [UM4]:** 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?**

**Commented [BH5R4]:** Refer to dot point on first page in relation to EfW / residual requirements which indicates that these facilitate are not required until 2030 and then 2050. This timeframe aligns with the intent of the TLPI and can be dealt with under the new ICC scheme

RTI RELEASED



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 10:06 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Comseq SEQWMP and TLPI assessment (003)

Thanks all – greatly appreciated.



[Redacted]

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

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DSDILGP

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 9:22 AM

**Subject:** FW: Comseq SEQWMP and TLPI assessment (003)

Morning [Redacted]

As requested the Comseq report assessment has been reviewed. Please see comments and minor track changes in attached. A new para has been inserted in the front end to reinforce the timing based the residual waste requirements.

In response to your request about the small scale facilities following our discussion yesterday we can suggest the following wording (you may wish to refine)

*Smaller scale EfW facilities and complementary or ancillary activities that are waste related are supported in industrial areas where facilities of similar size, scale and intensity are located.*

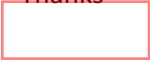
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We wanted to ensure the words reflected the policy without reproducing.

Any questions happy to help as always.

Thanks



Manager  
**Policy and Statutory Planning, Planning Group**  
Department of State Development, Infrastructure,  
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**From:** [redacted]  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Please progress ASAP  
**Date:** Wednesday, 1 December 2021 10:38:38 AM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image009.png](#)

Hi [redacted]

The instrument now includes all changes and can be converted into a clean copy without the track changes detail when we need to.

The instrument still includes the placeholders that we added

- Placeholder in Part 1, sections 1.5 and 1.6 around EfW and the briefing note flag by [redacted] relating to the EfW policy
- Placeholder in the Code on section 2 and Sensitive Receiving Uses entirely protected v adequately protected (we were going to leave the wording as is)

Regards

[redacted]  
Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

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**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 9:49 AM

**Subject:** Please progress ASAP

Hi [redacted]

Can you please progress:

- the final instrument tidy ASAP based on our chat this morning with ICC.
- Updates to the comparison light table based on revised instrument.

Thanks,

[Redacted]

[Redacted]

Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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RTI RELEASE - DSDILGP

**From:** [redacted]  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** Sch. 4(4)(6) - [redacted]  
**Date:** Wednesday, 1 December 2021 10:44:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Hi [redacted]

Can you please ask for your mapping team to email through a copy of the three maps included within the council resolved version. The mapping we have extracted from your word document and pdf are becoming grainy as they are copied across into new documents. These are the TLPI Boundary overview figure, the Swanbank/New Chum regulation area and the Ebenezer/Willowbank/Jeebropilly regulation area.

Ideally is it possible to get a copy of each map as a separate jpeg and pdf file?

Regards

[redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

---

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[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 11:14 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Please progress ASAP

Thanks [Redacted]

We need to remove the placeholder in dot point 1 (below), and at this stage dot point 2 confirms my understanding too.

Thanks,

[Redacted]



[Redacted]

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

Sch. 4(4)(6) -  
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**From:** [Redacted]

**Sent:** Wednesday, 1 December 2021 10:39 AM

**Subject:** RE: Please progress ASAP

Hi [Redacted]

The instrument now includes all changes and can be converted into a clean copy without the track changes detail when we need to.

The instrument still includes the placeholders that we added

- Placeholder in Part 1, sections 1.5 and 1.6 around EfW and the briefing note flag by Dominique relating to the EfW policy
- Placeholder in the Code on section 2 and Sensitive Receiving Uses entirely protected v adequately protected (we were going to leave the wording as is)

Regards



[Redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
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equitable and reconciled Australia.*

DSDILGP

From [Redacted]

Sent: Wednesday, 1 December 2021 9:49 AM

To [Redacted]

Subject: Please progress ASAP

Hi [Redacted]

Can you please progress:

- the final instrument tidy ASAP based on our chat this morning with ICC.
- Updates to the comparison light table based on revised instrument.

Thanks,  
[Redacted]

EAS



[Redacted]

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

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RTI RELEASE - DSDIL GP



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 11:31 AM  
**To:** [Redacted]  
**Subject:** FW: Ipswich TLPI run sheet  
**Attachments:** Ipswich Waste TLPI runsheet CONFIDENTIAL.docx; Ipswich TLPI program.xlsx



[Redacted]

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

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DSDILGP

**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

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RTI

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

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**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.

RTI RELEASED - DSDIL GP

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																					
	MAKING OF TLPI		INTERNAL PREP AND FINALISATION OF NOTICE TO MAKE TLPI																					

RTI RELEASE SEEDILGP

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/RD REVIEW	ED / LEGAL SERVICES REVIEW		SP REVIEW	DG REVIEW	DG REVIEW	DP CONSIDERATION				DP ISSUES INTENT TO MAKE TLPI		TLPI MADE	TLPI 02/2020 expires

BRIEFING NOTES	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	
NOTICE TO ELECT	INTERNAL PREP/FINALISATION OF NOTICE TO ELECT																							
MAKING OF TLPI																								

Date of notice TBA

Date of notice TBA

RTI RELEASE - DSDILGP

**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** Updated document  
**Date:** Wednesday, 1 December 2021 12:01:48 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[Updated Draft TLPI 011221.docx](#)  
[image005.png](#)  
[image006.png](#)

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Hi [redacted]

Attached are the track changes reflecting DSDILGP amendments in response to ICC comments.

This document compares the version originally submitted to legal for review on Monday.

Regards,  
[redacted]

[redacted]  
Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – [meet now](#)*

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

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.

- 1.4. 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.

- 1.4.1.5. 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.

- 1.5.1.6. 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

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a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

### The Planning Challenge

1.6.1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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:
    - (ii)(i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
    - (ii)(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.
    - (ii)(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**

- 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.

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#### **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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

**6.8.6.7.** This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.

**6.9.6.8.** 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 of the TLPI.

~~(0) Relevant provisions described in Section 3 of the Waste Activity Code are addressed for certain Waste Activities.~~

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### 4.2. 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;
    - ~~(iv)(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;
    - ~~(v)(iv)~~ significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;
    - ~~(vi)(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
    - ~~(vii)(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.
  - (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 Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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:
- 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.
- (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;
- (iii)(ii) are only established in the Regulated Activity Area where:
- 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.
- (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.
- (a) ~~Extension~~ or expansion of a lawfully existing ~~Waste Activity improves amenity~~ by ~~minimising~~ environmental ~~emissions and amenity~~
- (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)(h) New or expanded landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

### 5.3. 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and <del>SO7 – SO14</del> SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – <del>SO6</del> SO9; and <del>SO7 – SO14</del> SO10 – SO17

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**6.4. 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
<b>Swanbank/New Chum Regulation Area</b>		
(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 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; (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	No probable solution provided

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Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>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; and</p> <p>(9) .</p>	
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(5) <u>The use of premises for Restoring a Void occurs in the Regulated Activity Area.</u>	<u>No probable solution provided</u>
(6) <u>The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it:</u> <u>(a) does not have any adverse impact on Sensitive Receiving Uses; and</u> <u>(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.</u>	<u>No probable solution provided</u>
(7) <u>The use of premises for Restoring a Void uses:</u> <u>(a) materials sourced from the premises in priority to the importation of materials from other locations; and</u> <u>(b) for any shortfall, Clean Earth.</u>	<u>No probable solution provided</u>
(5)(8) <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)(9) <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>	
<b>Waste Activities (Landfill)</b>	

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Column 1 Specific Outcomes	Column 2 Probable Solutions
<p><del>(7)</del>(10) New, changed or expanded Waste Activities involving Landfill:</p> <p>(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.</p>	No probable solution provided
<b>Waste Activities (Energy from Waste Facility)</b>	
<p><del>(8)</del>(11) 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.</p>	No probable solution provided
<p><del>(9)</del>(12) 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.</p>	No probable solution provided
<b>Filling and earthworks</b>	
<p><del>(10)</del>(13) Filling and earthworks associated with Waste Activities:</p> <p>(a) for Landfill, 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) ensure that fill materials are compacted to the maximum extent possible.</p>	No probable solution provided
<p><del>(11)</del>(14) 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>(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.</p>	No probable solution provided

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Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Landscaping and visual amenity</b>	
<p>(12)(15) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.</li> </ul>	No probable solution provided
<b>Stormwater and groundwater management</b>	
<p>(13)(16) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(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;</li> <li>(h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that</li> </ul>	No probable solution provided

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Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>generated leachate is promptly treated or removed from the premises;</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</li> <li>(k) where possible, avoid complex and technical management systems.</li> </ul>	
<p>(14)(17) _____ Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies <u>for impacts on Sensitive Receiving Uses</u> are implemented.</li> </ul>	No probable solution provided

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**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area <u>and Ebenezer/Willowbank/Jeebropilly 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 – 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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area <u>or the Ebenezer/Willowbank/Jeebropilly 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
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme <del>Relevant Area and Zone Code</del> <del>Commercial and Industrial Code (Part 12, division 7)</del> <del>Parking Code (Part 12, division 9)</del> <del>Earthworks Code (Part 12, division 15)</del> 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 – <u>inconsistent use</u>	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 Compost Manufacturing Enclosed	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

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 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
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

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## 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

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.

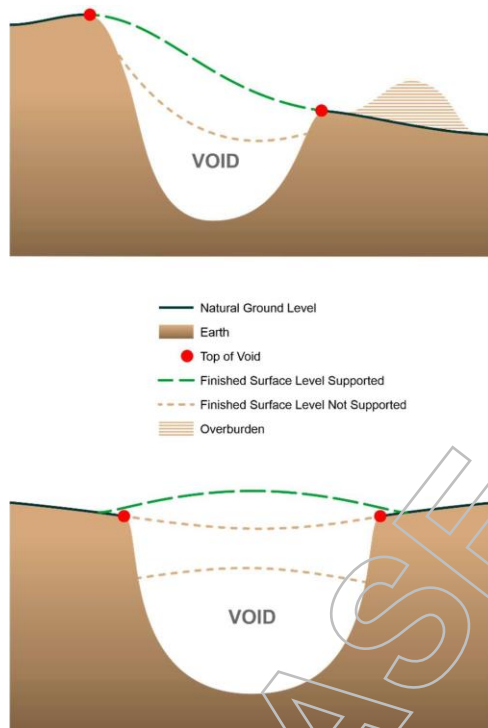
8.8 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.

8.9—**“Restoring a void”** means

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



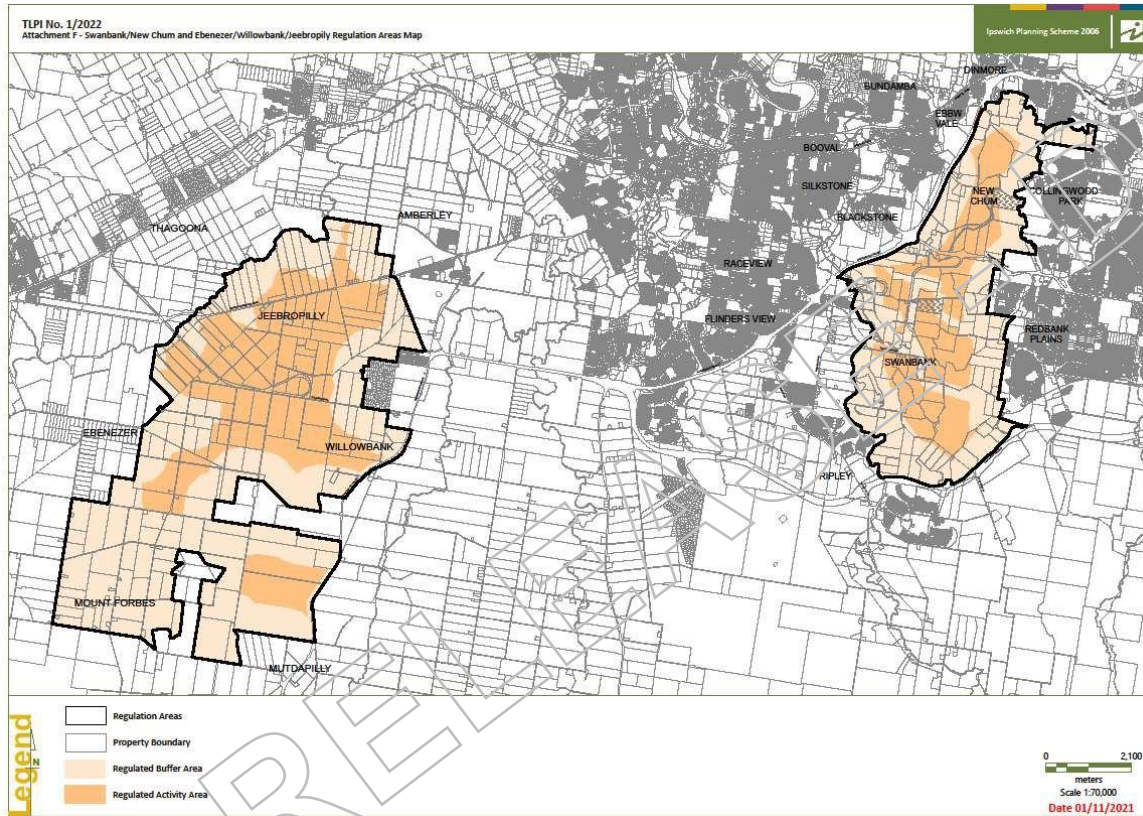
8.13 “**TLPI Boundary**” means the regulation areas shown on the map in Attachment F.

8.14—“**Void**” means

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.

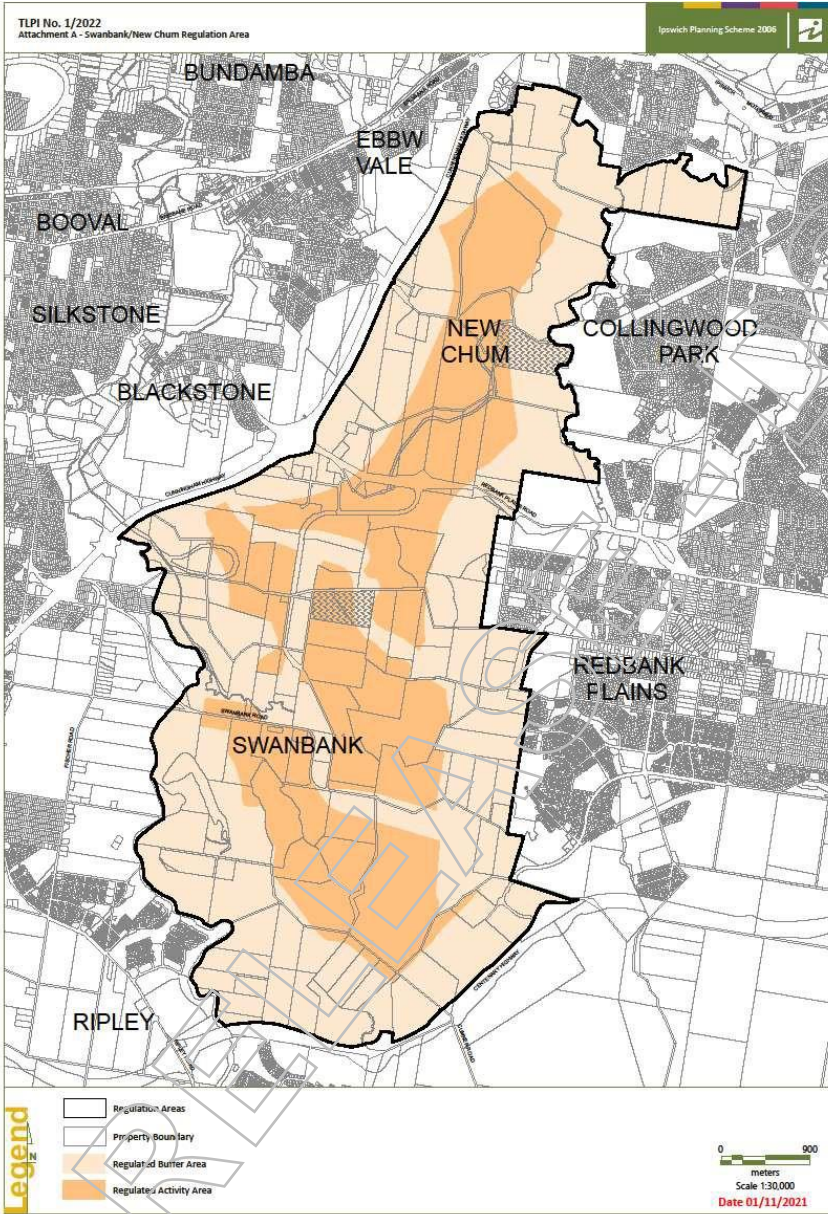
**FIGURE 1: TLPI BOUNDARY**



**Commented [BD1]:** Note the plans themselves have titles that differ from what's now in the document.

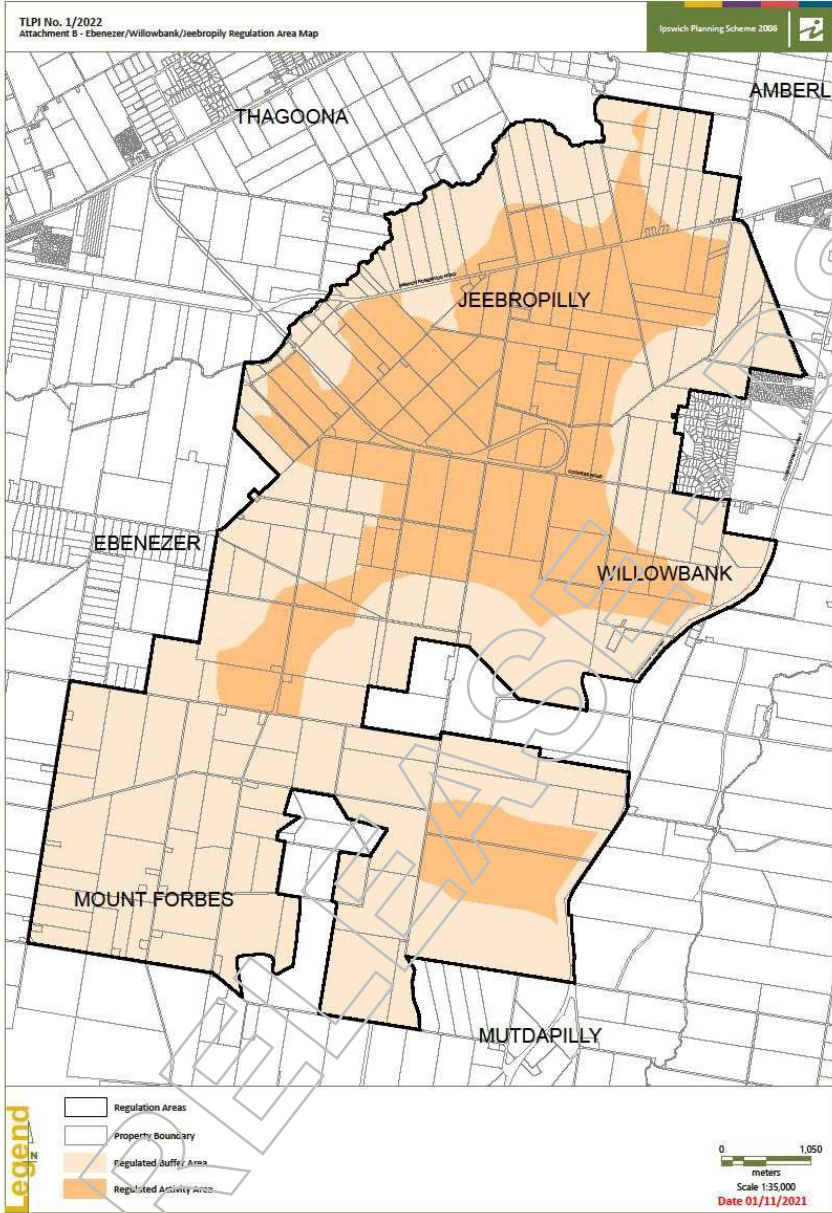
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FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP






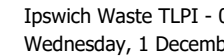

**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MAP**



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**From:**   
**To:**   
**Cc:**   
**Subject:** Ipswich Waste TLPI - 011221 (for briefing) 1.15pm  
**Date:** Wednesday, 1 December 2021 3:08:21 PM  
**Attachments:** [Ipswich Waste TLPI - 011221 \(for briefing\) 1.15pm.docx](#)

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Updated

RTI RELEASE - DSDIL GP

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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**

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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:
  - (ii) entirely protected from all adverse impacts resulting from or associated with all Waste Activities or for the Swanbank/New Chum Regulation Area;
  - (iii) adequately protected from adverse impacts resulting from or associated with Waste Activities for the Willowbank/Ebenezer/Jeebropilly Regulation Area;
  - (iv) (a) 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) 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.
- (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
  - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
  - (iii) protects and improves the natural environment and does not negatively impact on environmental values; and

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Commented [ND1]: ICC fundamentally do not support this being limited Swanbank.

Department do not support provision applying to whole TLPI boundary. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

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Commented [ND2]: ICC do not support on the basis that the provision is not high enough protection for waste activities such as landfills.

Department do not support 'entirely protected' provision for Willowbank area. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

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- (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. 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 minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.

**Commented [ND3]:** ICC viewed original drafting as problematic – appears to be a move to support both landfill and indoor composting under (c).

**Commented [ND4]:** Original clause (ii) omitted (landfill or composting manufacturing enclosed occur only in the regulated activity area) based on ICC feedback.

**Commented [ND5]:** Retained. Content consistent with the existing Mins TLPI.

**Commented [ND6]:** ICC does not support inclusion.

Retained. Consistent with content in ICC resolved TLPI under overall outcomes and specific outcomes.

**Commented [UM7]:** Waste activities – doesn't cover a void.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities Development within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities Development with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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

**Commented [UM8]:** ICC comments sought provisions for restoring a void be retained across the whole TLPI Boundary (draft previously limited this to Swanbank/New Chum).

DSDILGP have applied provisions across all areas in TLPI Boundary for restoring avoid in response to ICC comments.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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.	
<b>Waste Activities (Landfill)</b>	
(10) 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	No probable solution provided

**Commented [UM9]:** ICC resolved version contained a provision for changed or expanded restoring a void, as follows:

INSERT

DSDILGP omitted on the basis that:

- Provisions for waste and restoring a void had to be split in order to be workable – the policy intent has been carried forward in multiple other SO's and purpose statement.
- Have provided self-contained provision for Top of Void (SO14)
- Concerns regarding how measurable 'community impacts' is. DSDILGP preference was for sensitive receiving uses to be the defined term for where are measured.

Column 1 Specific Outcomes	Column 2 Probable Solutions
waste resources.	
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) 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
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided

**Commented [JUM10]:** This provision was the ICC resolved TLPI. DSDILGP have advanced the provision with improvements.

ICC have raised concerns that the provision would support landfill where the RRF is co-located.

DSDILGP have retained on the basis that provisions are required to sufficiently assess applications that include this use.

ICC raised a question of interpretation for standalone RRFs. This provision wouldn't apply to a standalone RRF, however – standalone RRFs would be subject to waste activity assessment provisions – generally. So DSDILGP are satisfied this is not a risk.

Column 1 Specific Outcomes	Column 2 Probable Solutions
corridors or green space and open space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
(16) Waste Activities or Restoring a Void are designed, operated and maintained to: (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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
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.	
(17) Waste Activities or Restoring a Void are designed, operated and maintained so that: (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 implemented.	No probable solution provided

**Commented [UM11]:** DSDILGP removed inter-SO referencing for best practice code drafting / bounded assessment.

ICC comment queried if benchmark was now unclear.

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [UM12]:** Has been expanded throughout TLPI Boundary



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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

## ATTACHMENT C: 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*

- (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.”*

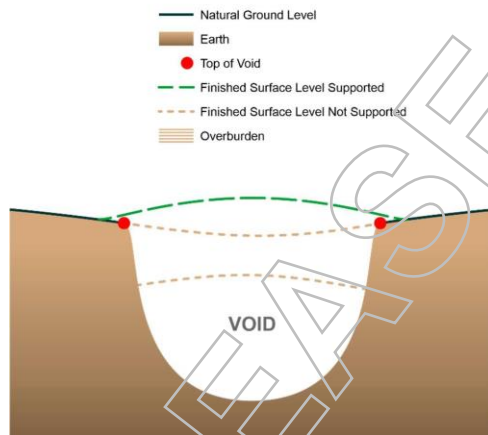
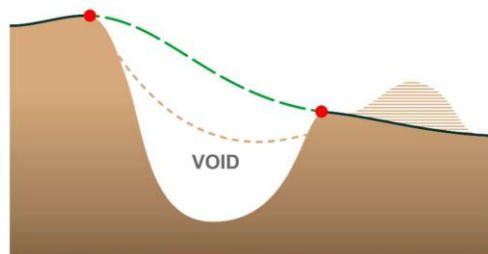
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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.

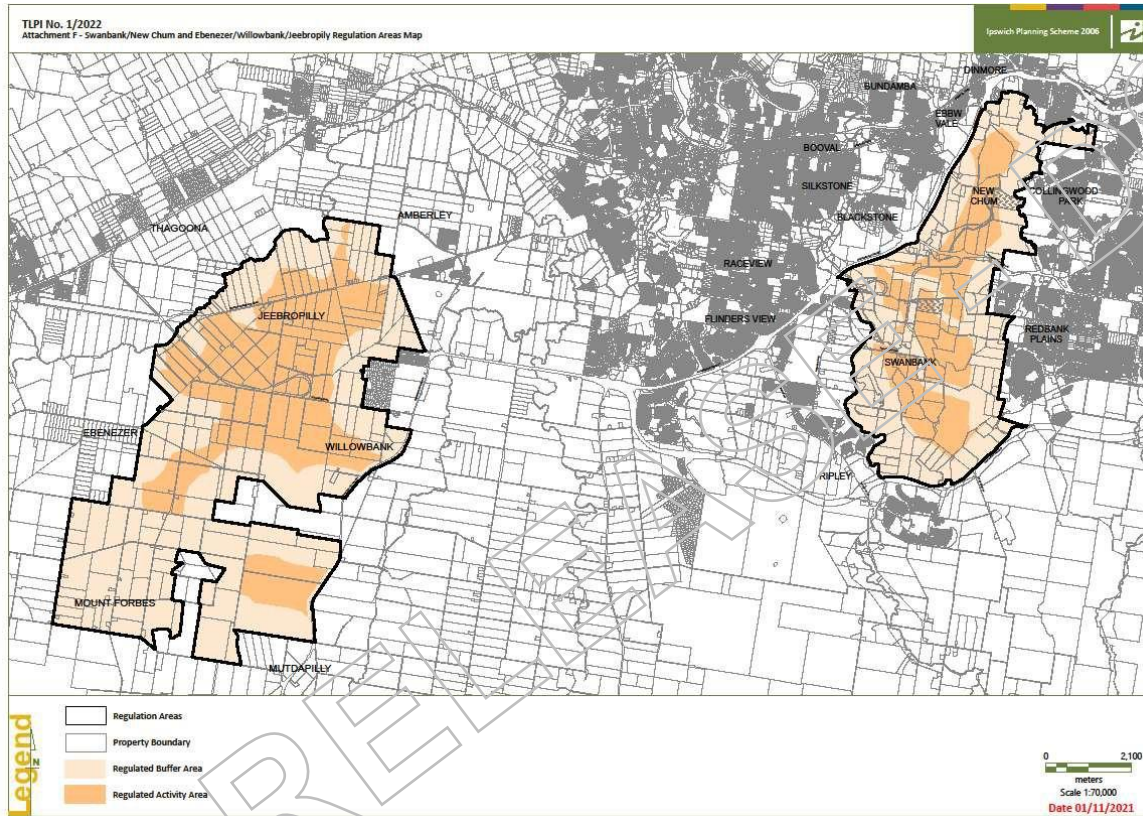
- 8.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).
- 8.12 **“Top of a Void”** means the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means 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.

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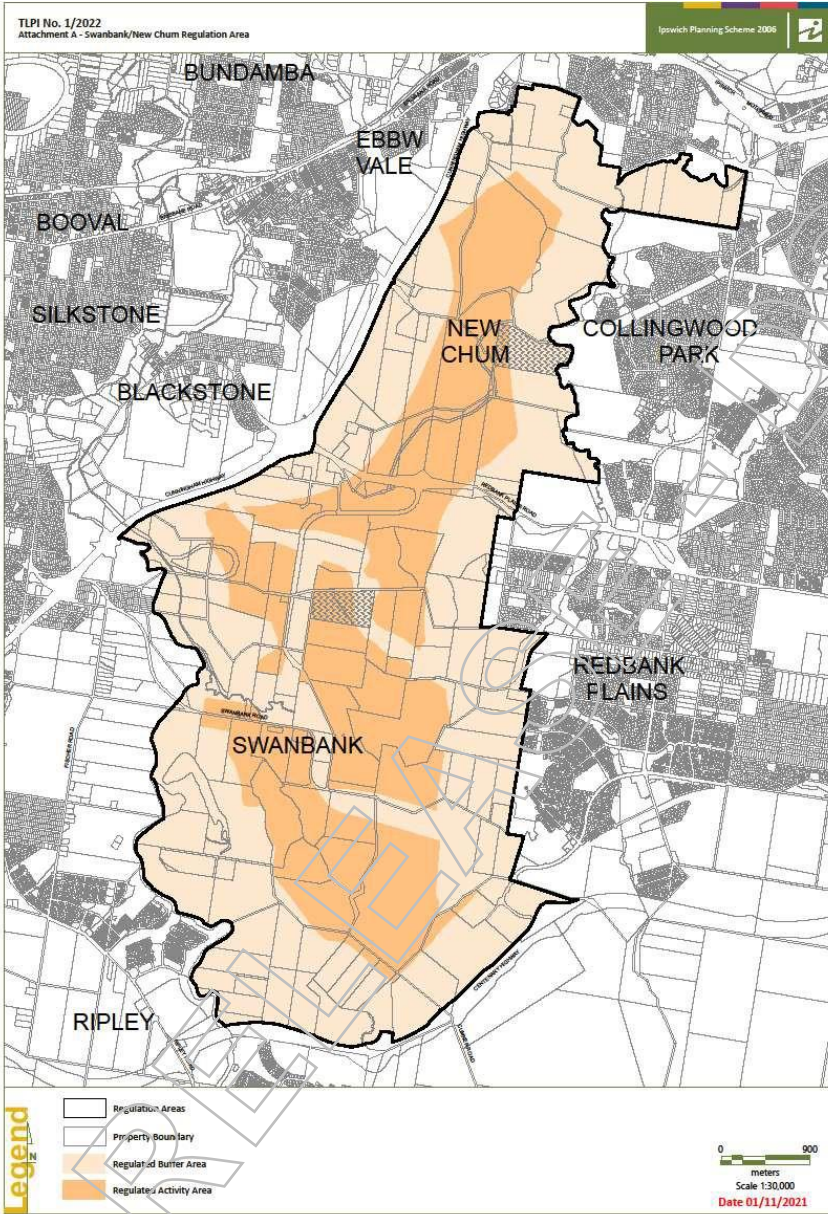
**FIGURE 1: TLPI BOUNDARY**



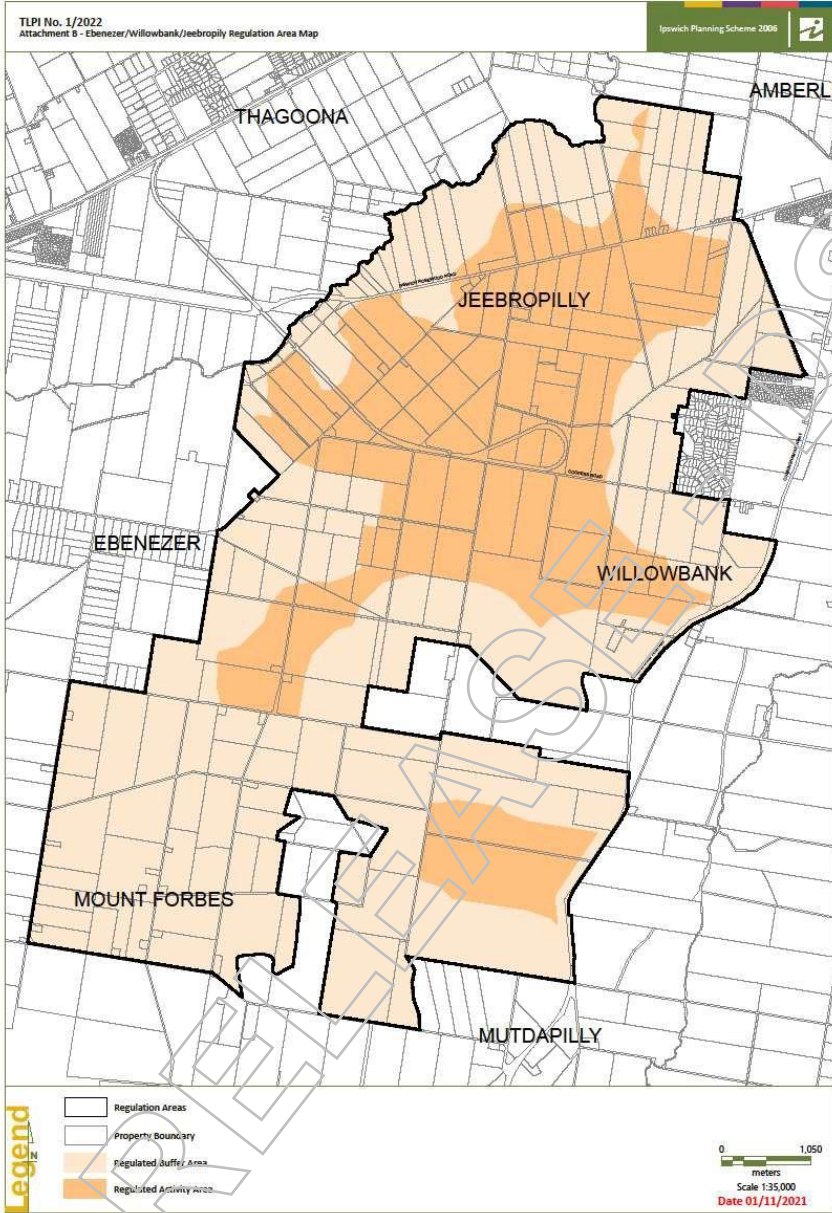
**Commented [BD13]:** Note the plans themselves have titles that differ from what's now in the document.

**Commented [U14R13]:** FOR UPDATING – AWAITING CLEAN MAP PACKAGE FROM COUNCIL

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**





RTI RELEASE - DSDILGP

[Redacted]

**From:**

[Redacted]

**Sent:**

Wednesday, 1 December 2021 1:22 PM

**To:**

[Redacted]

**Subject:**

FW: INCOMING CORRO: Correspondence from the Chief Executive Officer, Ipswich City Council

**Attachments:**

Letter from ICC.pdf; Final Draft TLPI 2022 for Council Meeting 181121.pdf; Statement of Reasons.pdf

**Categories:**

Action

Hi [Redacted] – have you seen this, I’ve just come across it in the PG corro box, not yet allocated.

Cheers

[Redacted]



Queensland Government

[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

M 0428 965 533  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 611, Brisbane QLD 4001

[statedevelopment.qld.gov.au](http://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, 1 December 2021 7:46 AM

**To:** Correspondence from DSDILGP <correspondence@dsdilgp.qld.gov.au>

**Subject:** INCOMING CORRO: Correspondence from the Chief Executive Officer, Ipswich City Council

Hi team

Please create as DGC corro and allocate to PG for a 10 day DG response. PG to determine if a DGBN is required or not.

Thanks.

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](http://statedevelopment.qld.gov.au)

ILGP

---

**From:** [Redacted]

**Sent:** Tuesday, 30 November 2021 6:37 PM

**To:** [Redacted]

**Subject:** FW: Correspondence from the Chief Executive Officer, Ipswich City Council

Hi [Redacted]

For allocation. Planning I think. We are also flagging with [Redacted]

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](http://statedevelopment.qld.gov.au)

**From** [Redacted]

**Sent:** Tuesday, 30 November 2021 10:03 AM

**To:** Damien WALKER <[Damien.Walker@dasilgp.qld.gov.au](mailto:Damien.Walker@dasilgp.qld.gov.au)>

**Subject:** Correspondence from the Chief Executive Officer, Ipswich City Council

Good morning

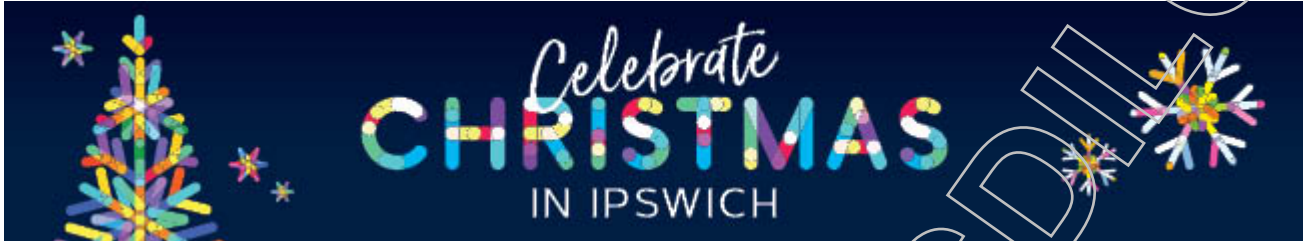
On behalf of Mrs Sonia Cooper, Chief Executive Officer, please find attached letter for your consideration.

Kind regards



[Redacted] Executive Assistant to the Chief Executive Officer  
Executive Services Branch  
Coordination and Performance Department

IPSWICH CITY COUNCIL T | Sch. 4(4)(6) -  
Disclosing personal  
information



Confidential Communication | [Email Disclaimer](#)

RTI RELEASE - DSDIL GP

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](mailto:council@ipswich.qld.gov.au)

[ipswich.qld.gov.au](http://ipswich.qld.gov.au)

Damien Walker  
Director-General  
Department of State Development, Infrastructure,  
Local Government and Planning  
[damien.walker@dasilgp.qld.gov.au](mailto: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).

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

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

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

## 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 Scheme<sup>1</sup> 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.

---

<sup>1</sup> 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.

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022  
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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.

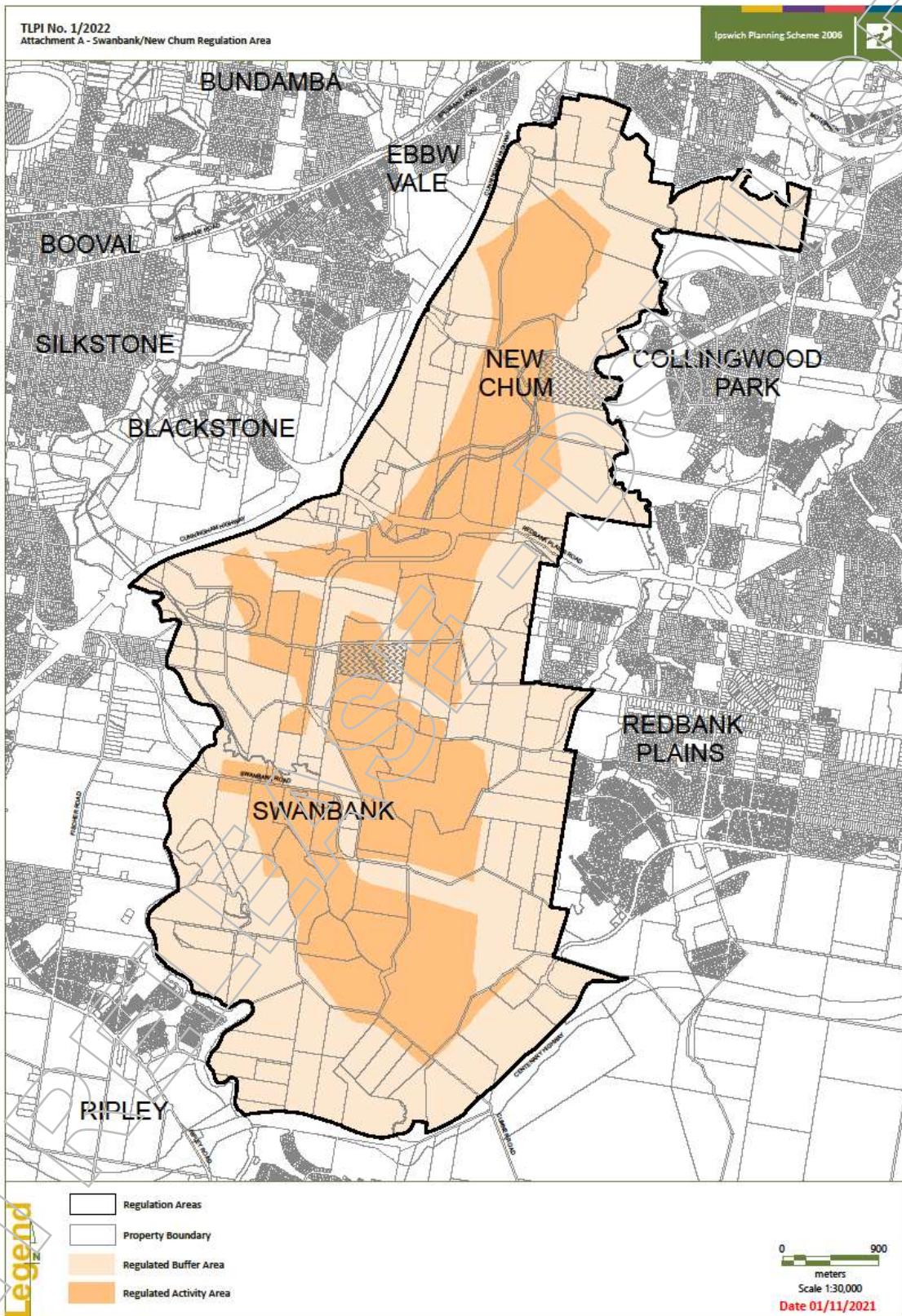
#### **PART 6 – APPLICATION OF THE TLPI**

- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

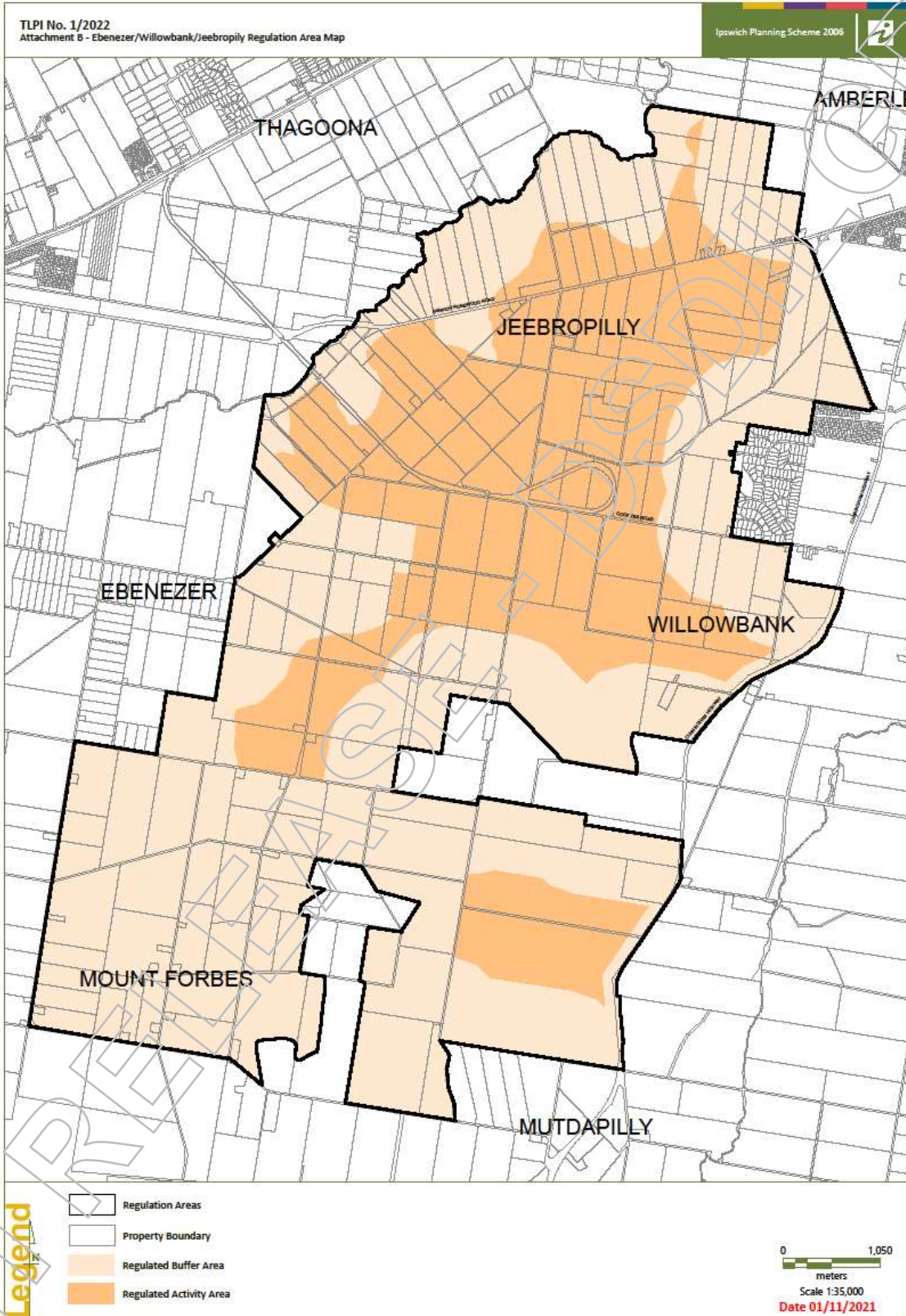
#### **PART 7 – EFFECT OF THE TLPI**

- 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
<b>(1)</b> The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
<b>(2)</b> The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> <li>(a) does not have any adverse impact on Sensitive Receiving Uses; or</li> </ul>	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.	
<b>(3)</b> 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
<b>(4)</b> 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
<b>(5)</b> 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
<b>(6)</b> 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"> <li>(g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and</li> <li>(h) implements and maintains best practice minimisation and management of adverse impacts at all times.</li> </ul>	
<p><b>(7)</b> Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> <li>(a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials;</li> <li>(b) for Landfill, use Clean Earth in priority to the importation of waste;</li> <li>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</li> <li>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</li> <li>(e) ensure that fill materials are compacted to the maximum extent possible.</li> </ul>	No probable solution provided
<p><b>(8)</b> Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> <li>(a) provides a necessary stormwater management function;</li> <li>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</li> <li>(c) does not exceed a maximum gradient of 5%.</li> </ul> <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><b>(9)</b> Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance;</li> <li>(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;</li> <li>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(e) where possible, improves the quality of nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(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;</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) where possible, avoids complex and technical management systems.</p>	
<p><b>(10)</b> Waste Activities or Restoring a Void are designed, operated and maintained to protect surrounding and nearby Sensitive Receiving Uses 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>No probable solution provided</p>

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><b>(11)</b> 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><b>(12)</b> 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**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>USES IN THE REGULATED BUFFER AREA</b>		
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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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
<b>UNSPECIFIED USES</b>		
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.

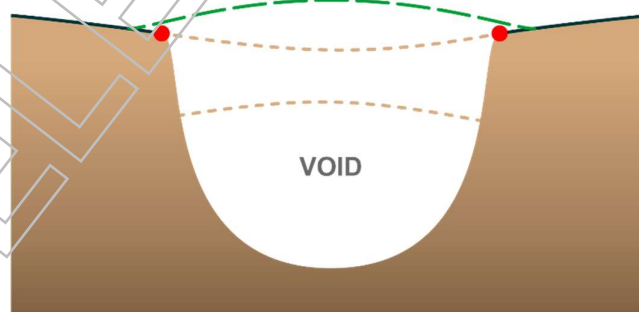
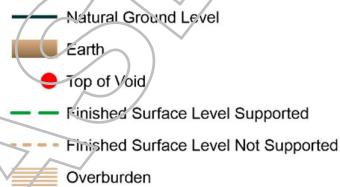
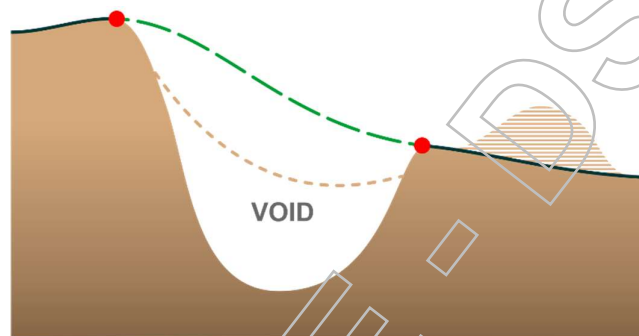
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means–
- (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—

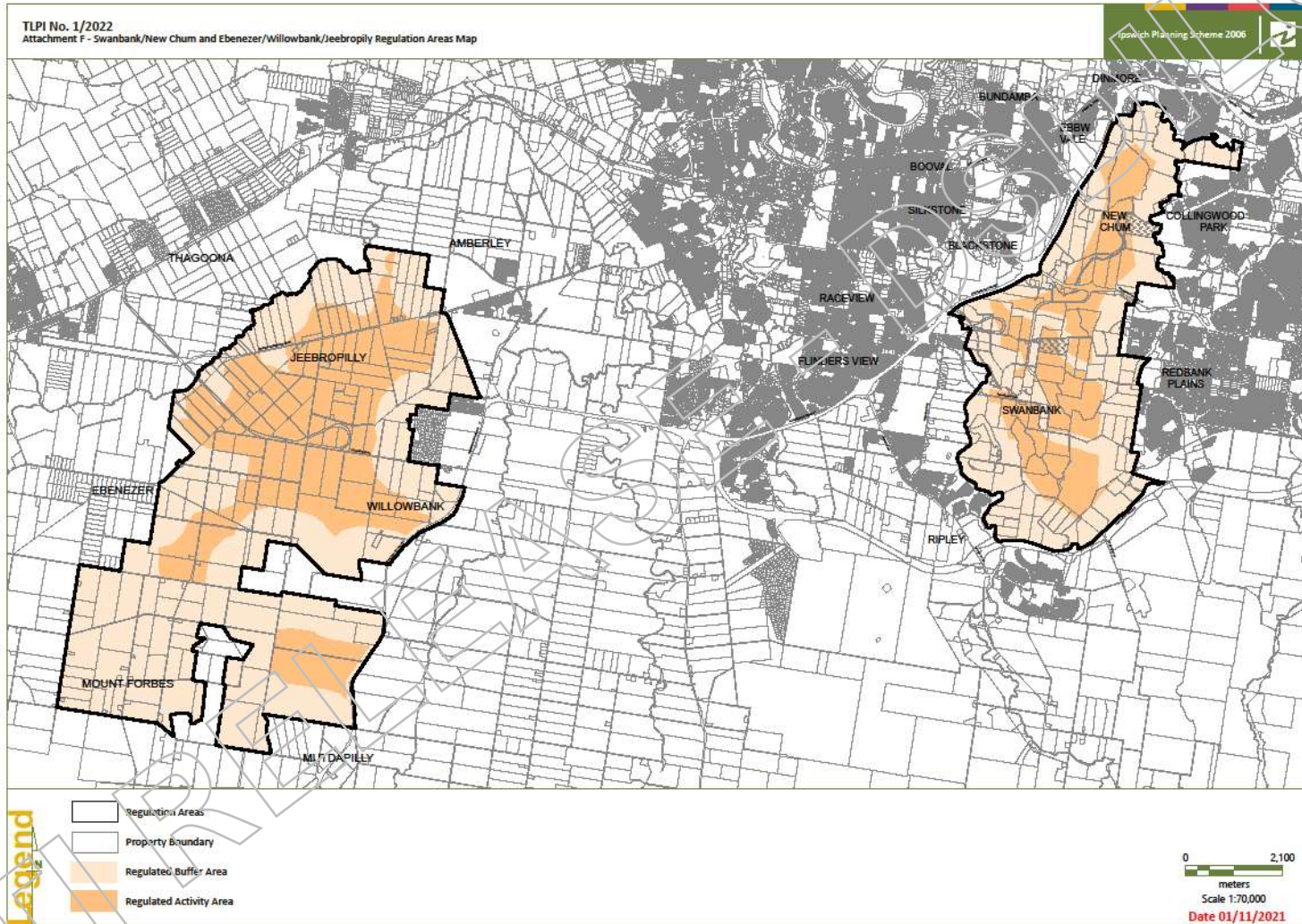
- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

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



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 1:24 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Ipswich TLPI mapping (Email 1)  
**Attachments:** TLPI\_No1\_2022\_AttachmentF\_A3LMap.pdf; TLPI\_No1\_2022\_AttachmentA\_A3PMap.pdf; TLPI\_No1\_2022\_AttachmentB\_A3PMap.pdf; TLPI\_No1\_2022\_AttachmentF\_A3LMap.jpg

Hi [Redacted]

Please find the attached PDFs and Attachment F JPEG included in the TLPI.

The JPEGs for Attachment A and B will be sent under separate email owing to their size.

Regards

[Redacted]



[Redacted] | Senior Planning Officer (Strategic)  
City Design Branch  
Planning and Regulatory Services Department  
IPSWICH CITY COUNCIL T | Sch. 4(4)(6) - Disclosing personal information



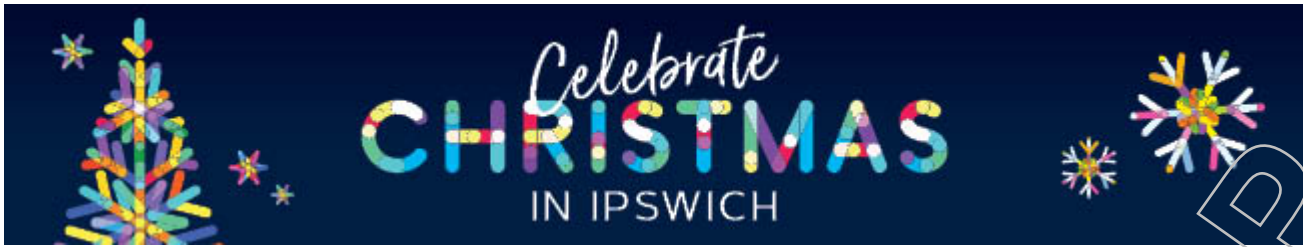
Confidential Communication | [Email Disclaimer](#)

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 12:22 PM  
**To:** [Redacted]  
**Subject:** FW: Ipswich TLPI mapping

Can you dig this out for [Redacted] please?



[Redacted] Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department  
T | Sch. 4(4)(6) - Disclosing personal information



From [redacted]

Sent: Wednesday, 1 December 2021 10:44 AM

[redacted]

Subject: Ipswich TLPI mapping

Hi [redacted]

Can you please ask for your mapping team to email through a copy of the three maps included within the council resolved version. The mapping we have extracted from your word document and pdf are becoming grainy as they are copied across into new documents. These are the TLPI Boundary overview figure, the Swanbank/New Chum regulation area and the Ebenezer/Willowbank/Jeebropilly regulation area.

Ideally is it possible to get a copy of each map as a separate jpeg and pdf file?

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

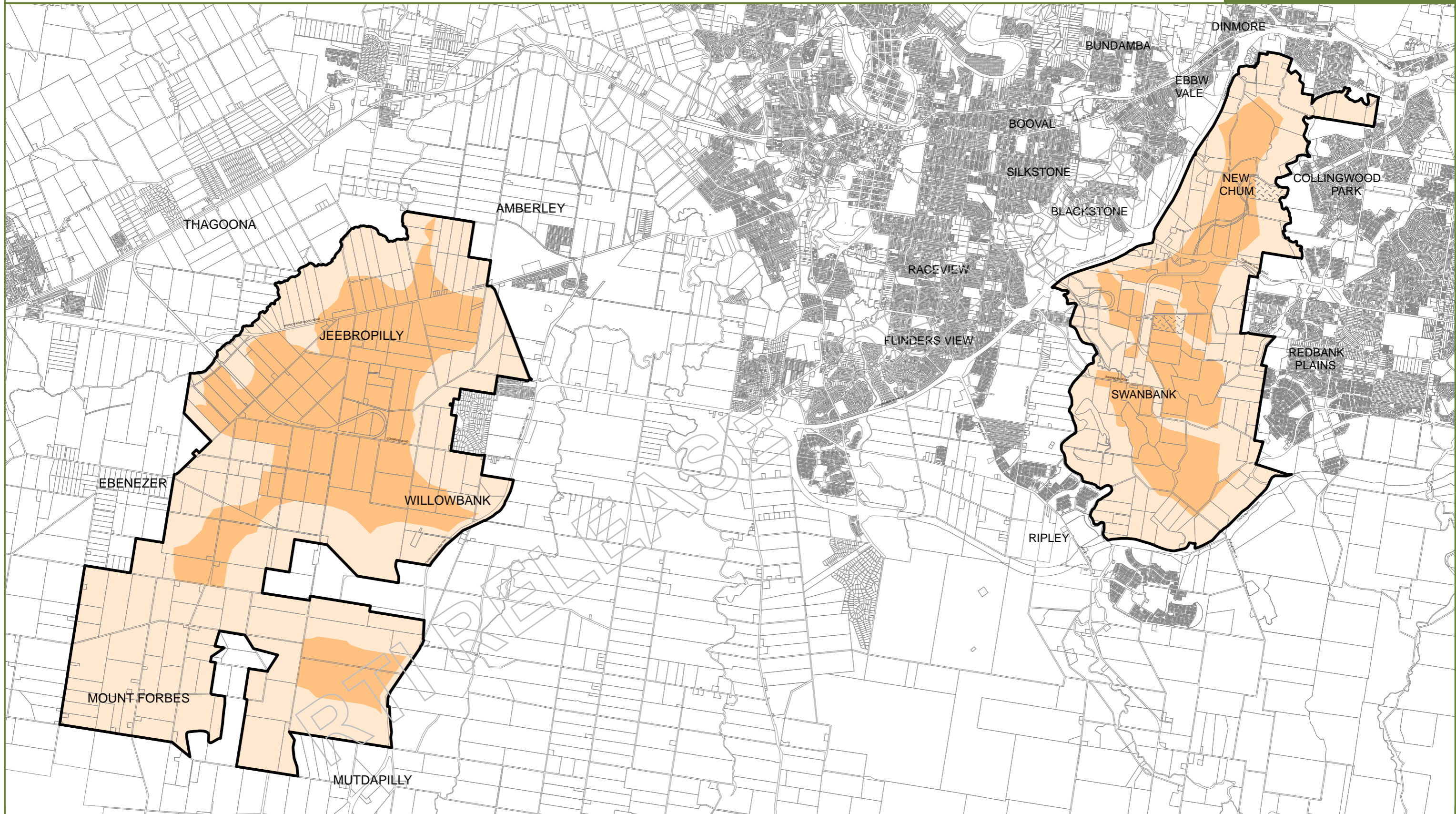
[statedevelopment.qld.gov.au](http://statedevelopment.qld.gov.au)



*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.*

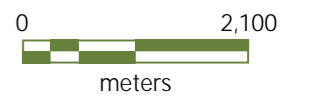


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Legend

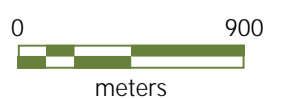
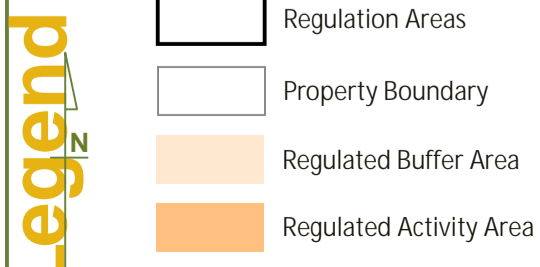
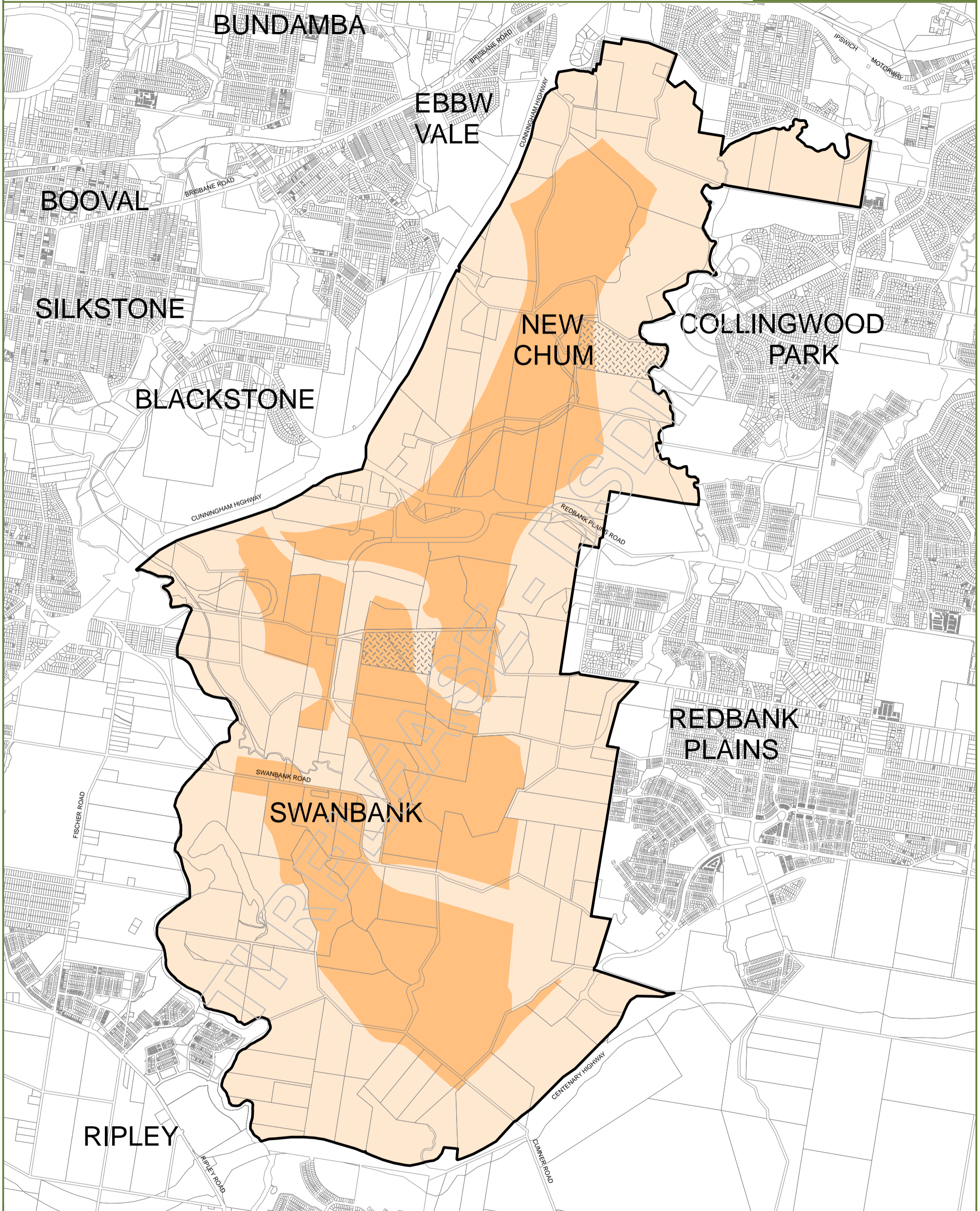
- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area



Scale 1:70,000

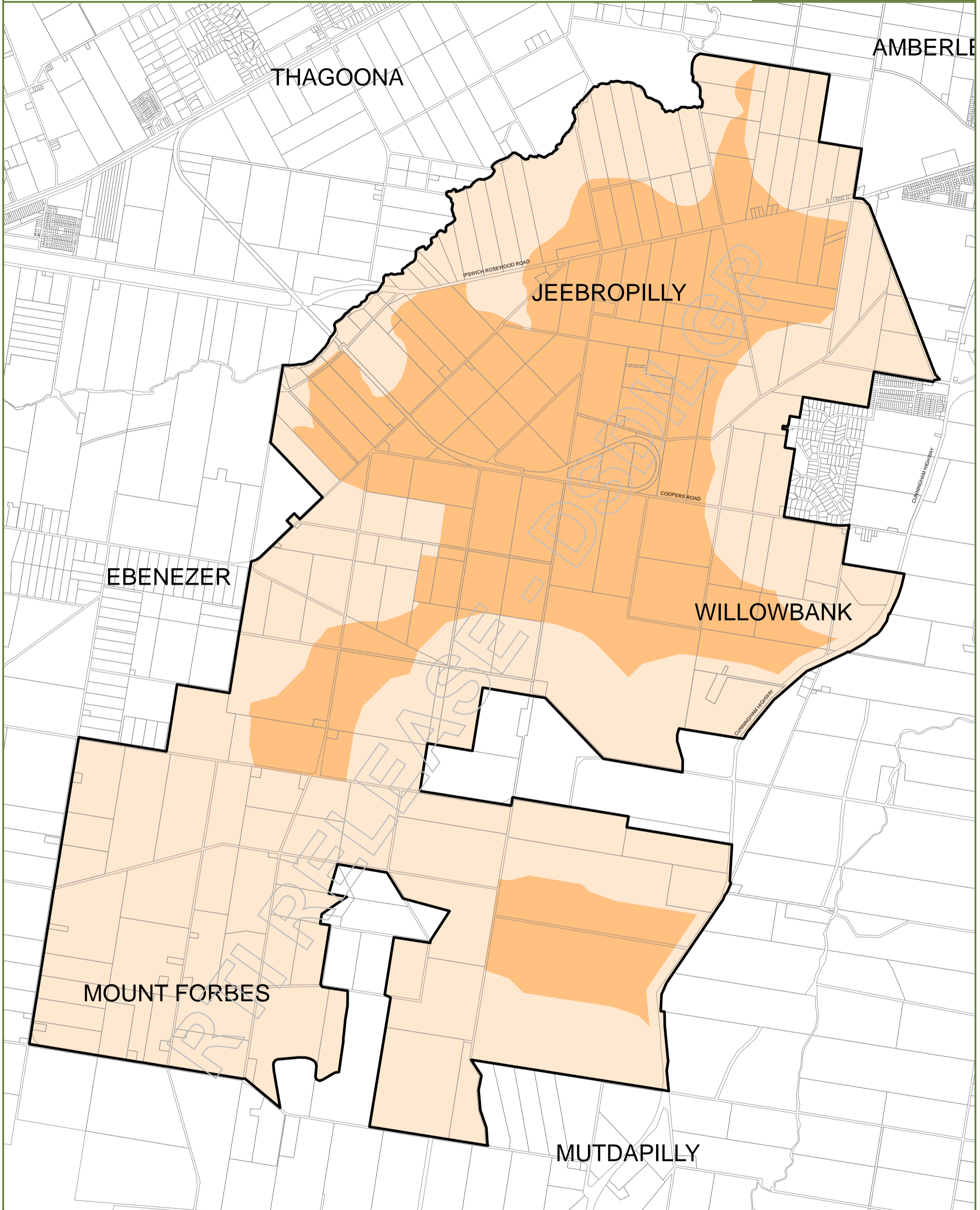
Date 01/11/2021





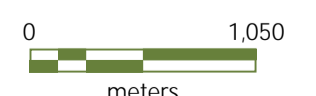
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Date 01/11/2021

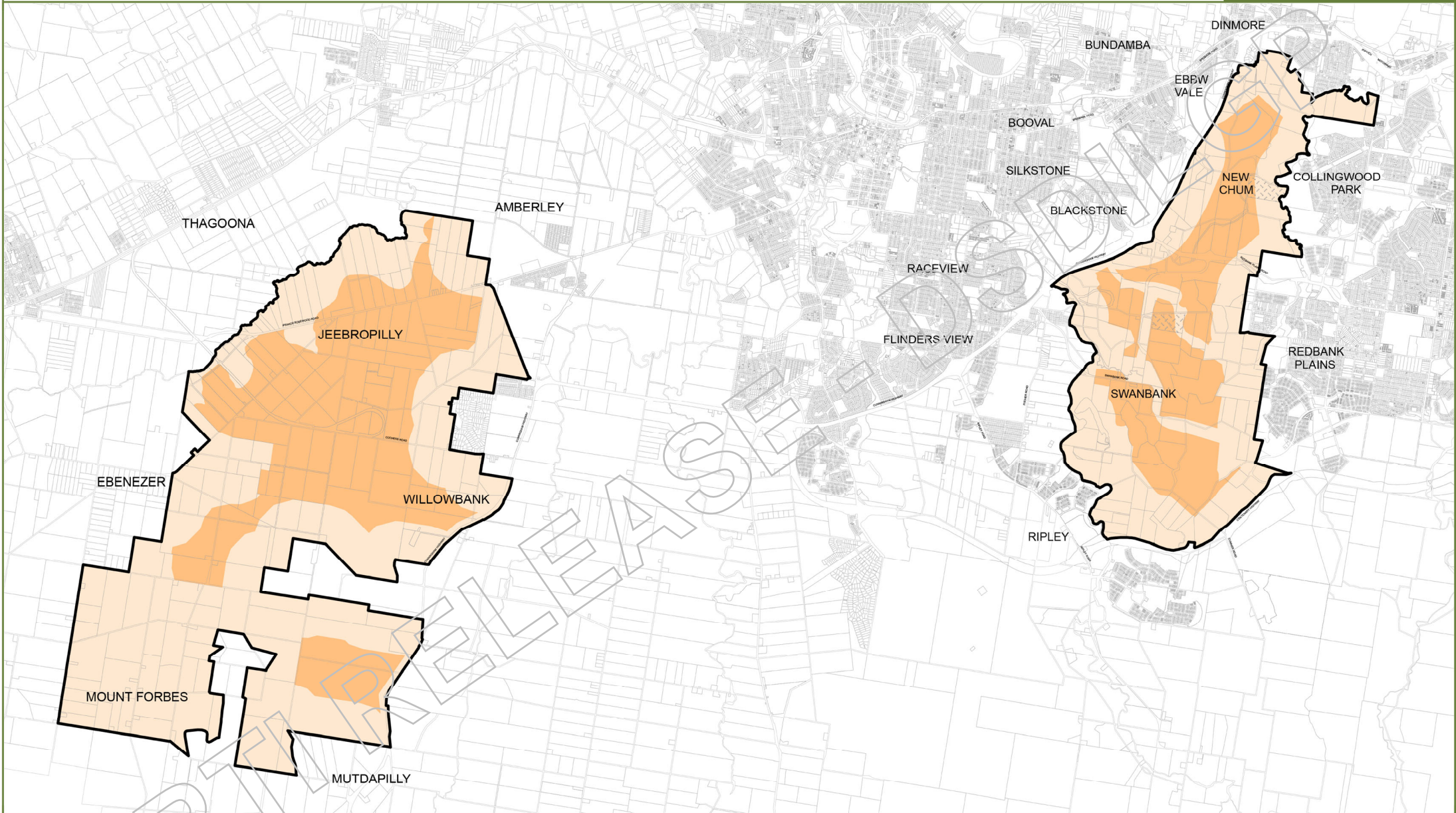


**Legend**

- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area

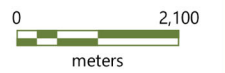


Scale 1:35,000  
Date 01/11/2021



**Legend**

- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area



Scale 1:70,000

Date 01/11/2021

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 1:25 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Ipswich TLPI mapping (Email 2)  
**Attachments:** TLPI\_No1\_2022\_AttachmentB\_A3PMap.jpg; TLPI\_No1\_2022\_AttachmentA\_A3PMap.jpg

As previously mentioned, attached are the remaining JPEGs from the TPLI.

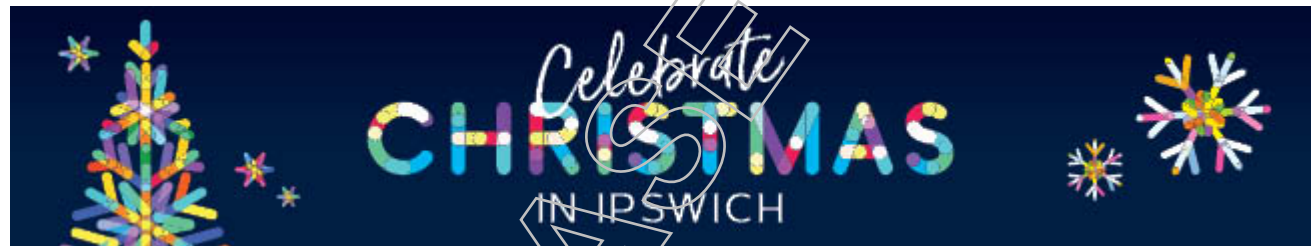
Regards

[Redacted]



[Redacted] Senior Planning Officer (Strategic)  
City Design Branch  
Planning and Regulatory Services Department

IPSWICH CITY COUNCIL T | Sch. 4(4)(6) - Disclosing personal information



Confidential Communication | [Email Disclaimer](#)

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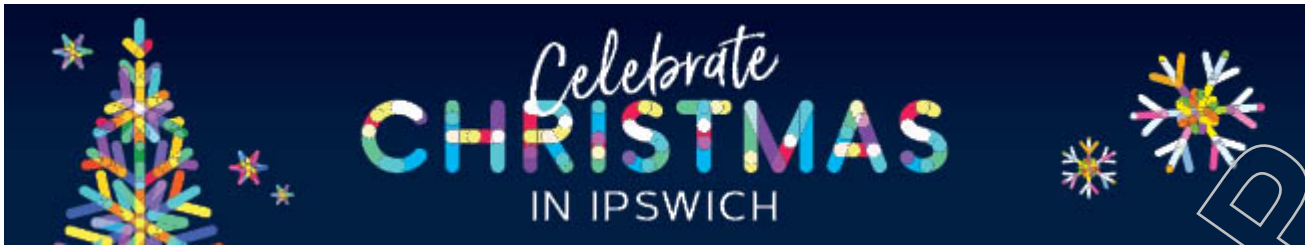
**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 12:22 PM  
**To:** [Redacted]  
**Subject:** FW: Ipswich TLPI mapping

Can you dig this out for [Redacted] please?



[Redacted] Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

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



From: [Redacted]

Sent: Wednesday, 1 December 2021 10:44 AM

[Redacted]

Subject: Ipswich TLPI mapping

Hi [Redacted]

Can you please ask for your mapping team to email through a copy of the three maps included within the council resolved version. The mapping we have extracted from your word document and pdf are becoming grainy as they are copied across into new documents. These are the TLPI Boundary overview figure, the Swanbank/New Chum regulation area and the Ebenezer/Willowbank/Jeebropilly regulation area.

Ideally is it possible to get a copy of each map as a separate jpeg and pdf file?

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

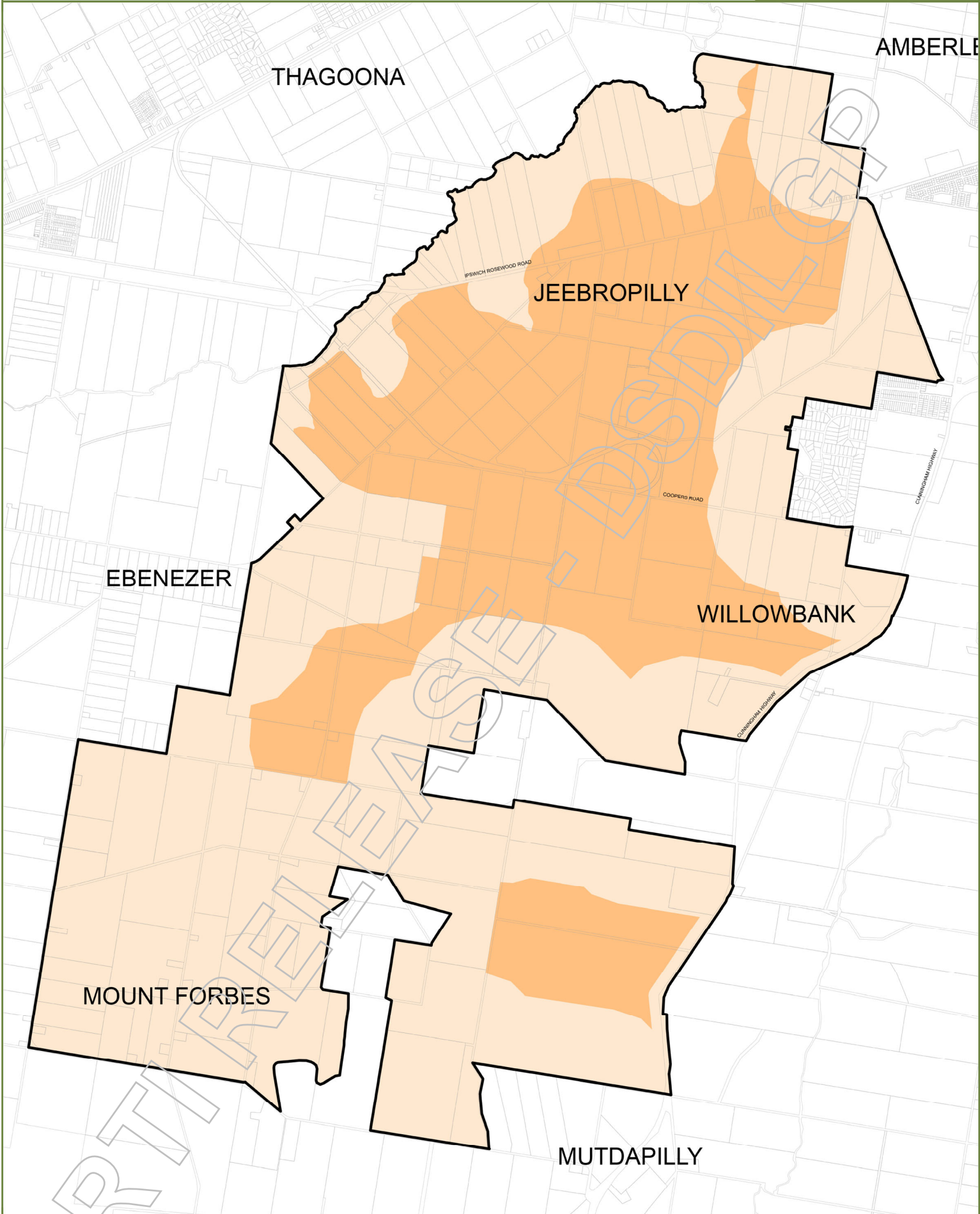
[statedevelopment.qld.gov.au](http://statedevelopment.qld.gov.au)



*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.*

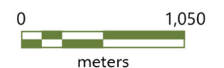


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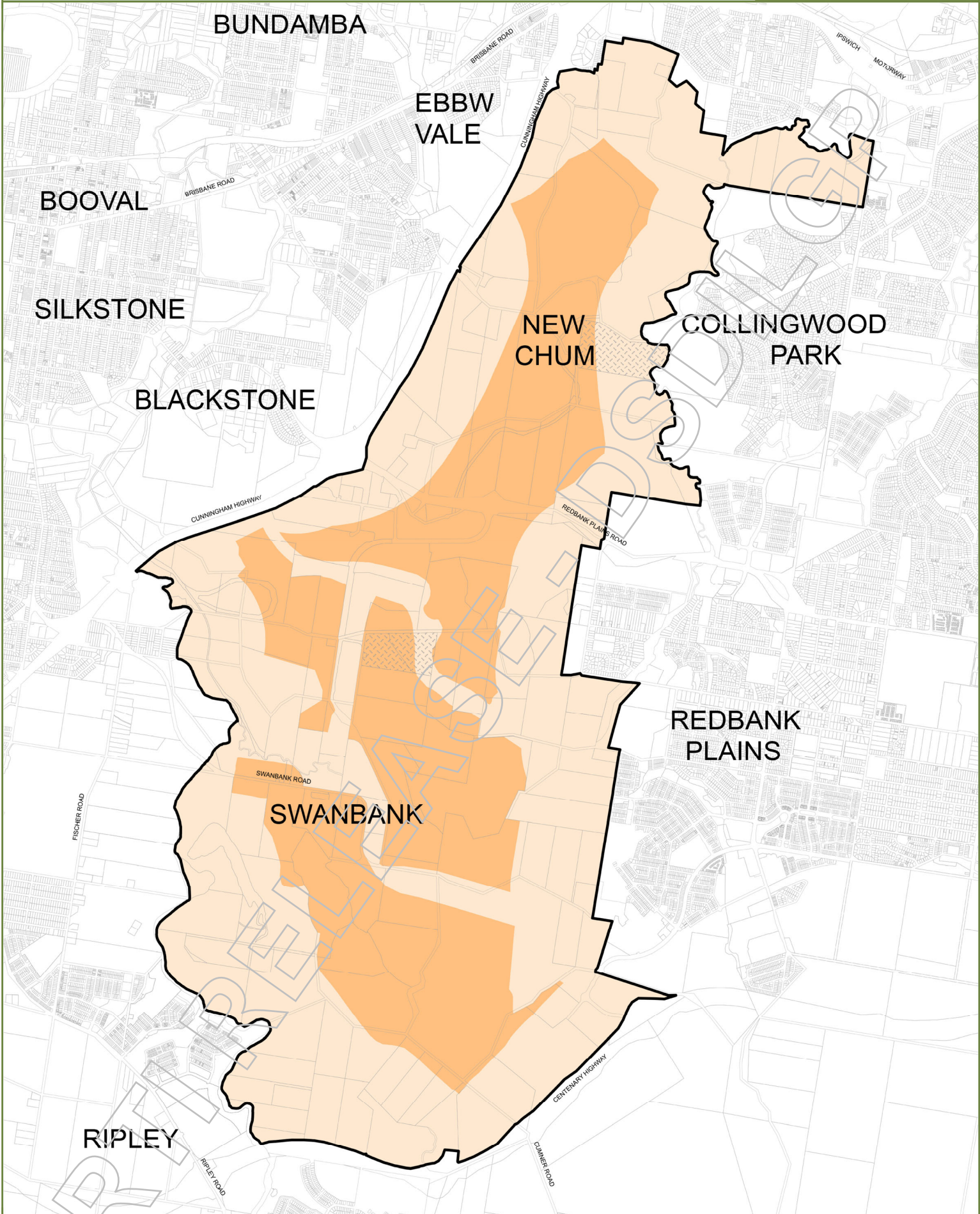
**Legend**

- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area



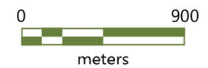
Scale 1:35,000

Date 01/11/2021



**Legend**

- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area



Scale 1:30,000

Date 01/11/2021

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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**

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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:
    - (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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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)

**Commented [ND1]:** ICC fundamentally do not support this being limited Swanbank.

Department do not support provision applying to whole TLPI boundary. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

**Commented [ND2]:** ICC do not support on the basis that the provision is not high enough protection for waste activities such as landfills.

Department do not support 'entirely protected' provision for Willowbank area. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

- 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. 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 ~~and minimises a high standard of~~ amenity by minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.~~

**Commented [ND3]:** ICC viewed original drafting as problematic – appears to be a move to support both landfill and indoor composting under (c).

**Commented [ND4]:** Original clause (ii) omitted (landfill or composting manufacturing enclosed occur only in the regulated activity area) based on ICC feedback.

**Commented [ND5]:** Retained. Content consistent with the existing Mins TLPI.

**Commented [ND6]:** ICC does not support inclusion.

Retained. Consistent with content in ICC resolved TLPI under overall outcomes and specific outcomes.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	

**Commented [UM7]:** ICC comments sought provisions for restoring a void be retained across the whole TLPI Boundary (draft previously limited this to Swanbank/New Chum).  
DSDILGP have applied provisions across all areas in TLPI Boundary for restoring avoid in response to ICC comments.

Column 1 Specific Outcomes	Column 2 Probable Solutions
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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	
<b>Waste Activities (Landfill)</b>	
(10) 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

**Commented [UM8]:** ICC resolved version contained a provision for changed or expanded restoring a void, as follows:

INSERT

DSDILGP omitted on the basis that:

- Provisions for waste and restoring a void had to be split in order to be workable – the policy intent has been carried forward in multiple other SO's and purpose statement.
- Have provided self-contained provision for Top of Void (SO14)
- Concerns regarding how measurable 'community impacts' is. DSDILGP preference was for sensitive receiving uses to be the defined term for where are measured.

**Commented [UM9]:** This provision was the ICC resolved TLPI. DSDILGP have advanced the provision with improvements.

ICC have raised concerns that the provision would support landfill where the RRF is co-located.

DSDILGP have retained on the basis that provisions are required to sufficiently assess applications that include this use.

ICC raised a question of interpretation for standalone RRFs. This provision wouldn't apply to a standalone RRF, however – standalone RRFs would be subject to waste activity assessment provisions – generally. So DSDILGP are satisfied this is not a risk.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) 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
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided



Column 1 Specific Outcomes	Column 2 Probable Solutions
space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
(16) Waste Activities or Restoring a Void are designed, operated and maintained to: (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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems.</p>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.</li> </ul>	<p>No probable solution provided</p>

**Commented [UM10]:** DSDILGP removed inter-SO referencing for best practice code drafting / bounded assessment.

ICC comment queried if benchmark was now unclear.

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [UM11]:** Has been expanded throughout TLPI Boundary

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

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## 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.”

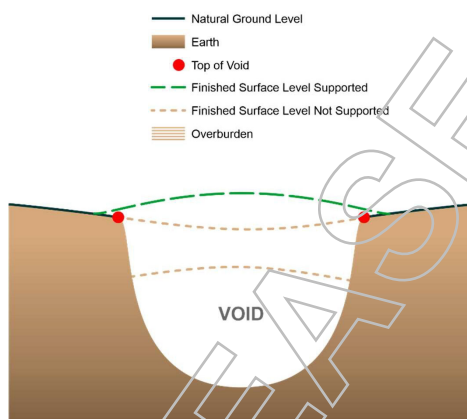
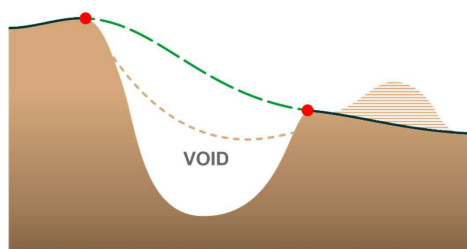
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.

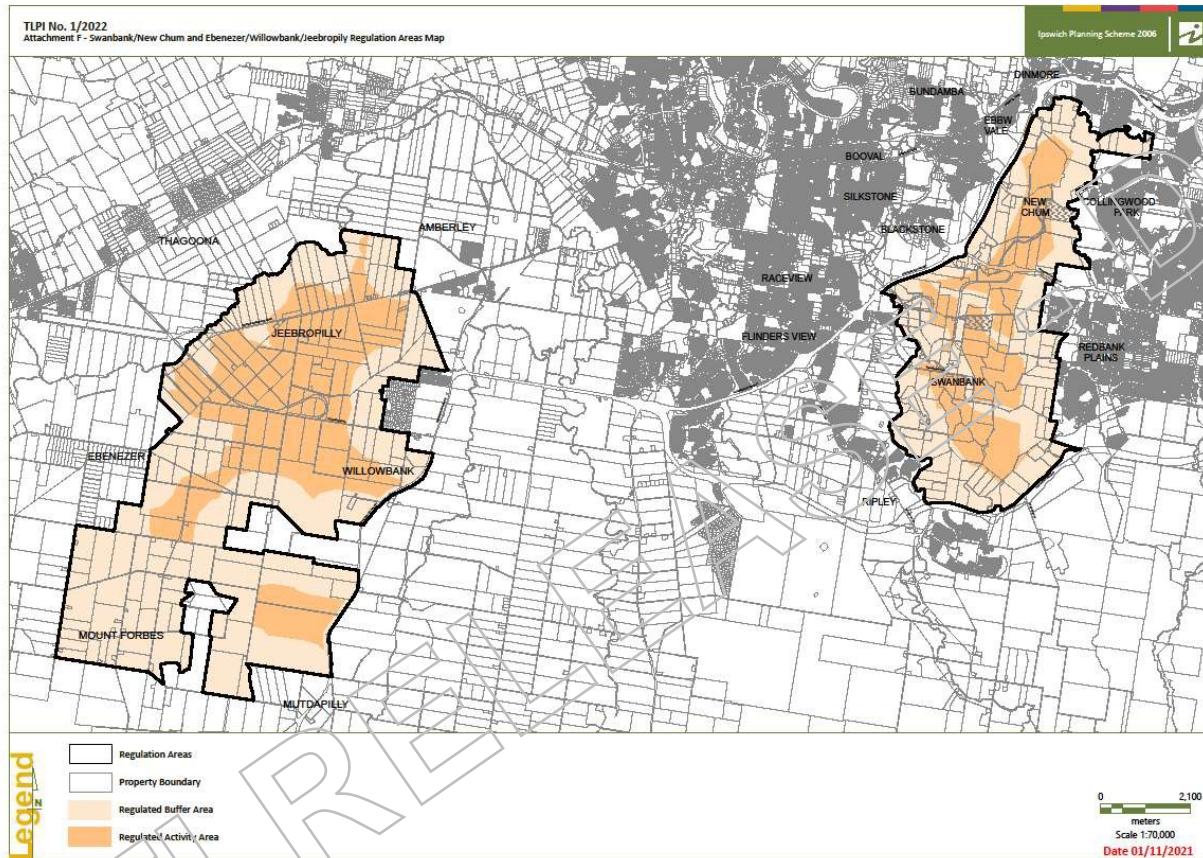


- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”; and
  - any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

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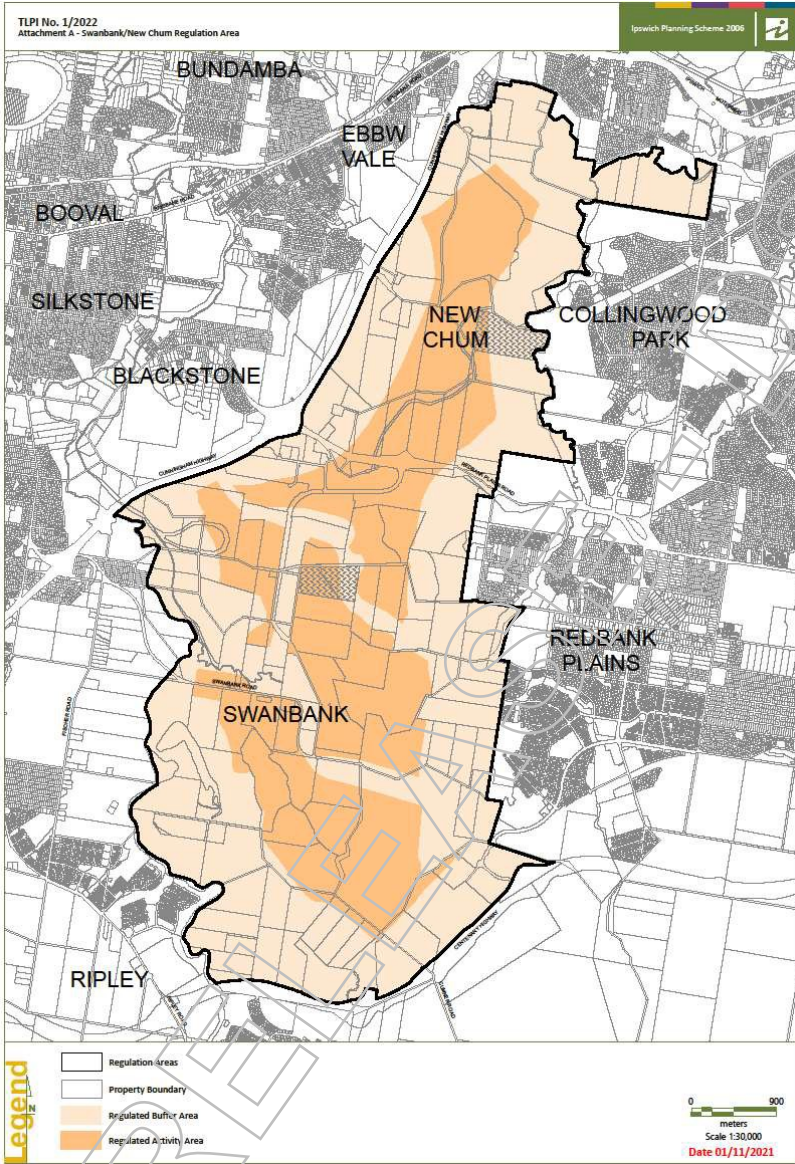
**FIGURE 1: TLPI BOUNDARY**



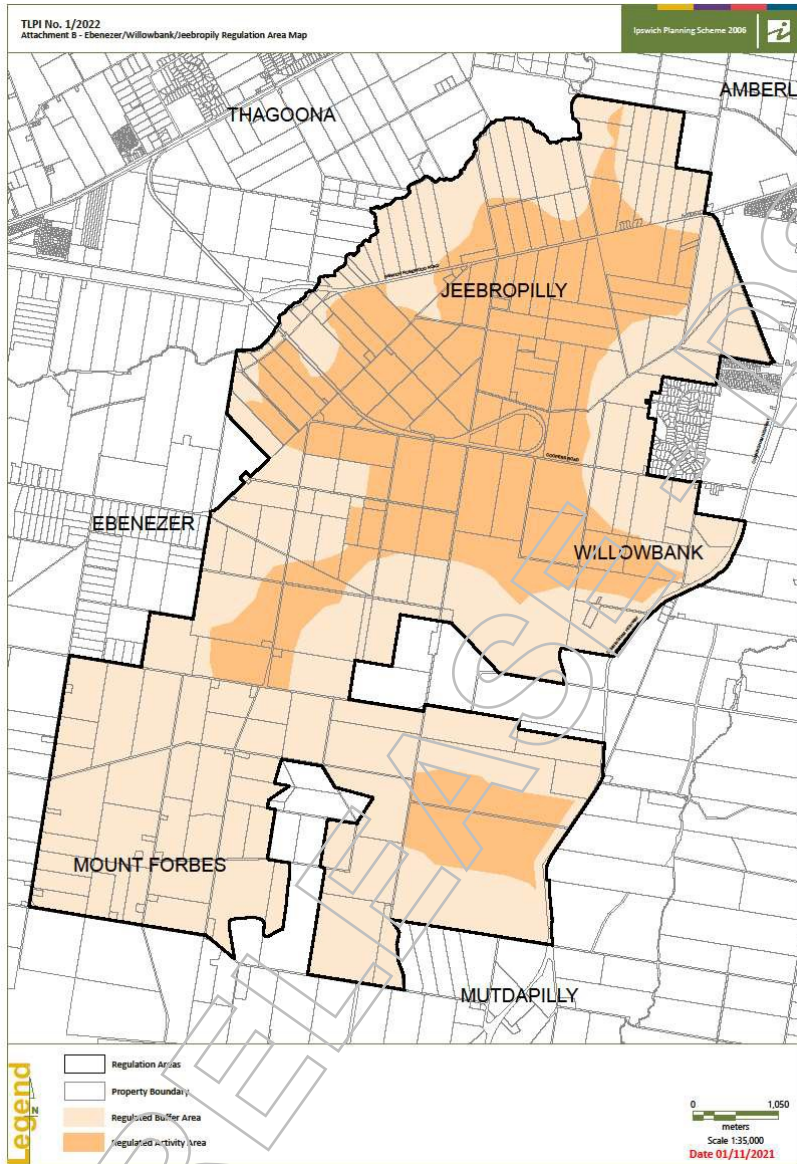
**Commented [BD12]:** Note the plans themselves have titles that differ from what's now in the document.

**Commented [U13R12]:** FOR UPDATING – AWAITING CLEAN MAP PACKAGE FROM COUNCIL

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022  
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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**

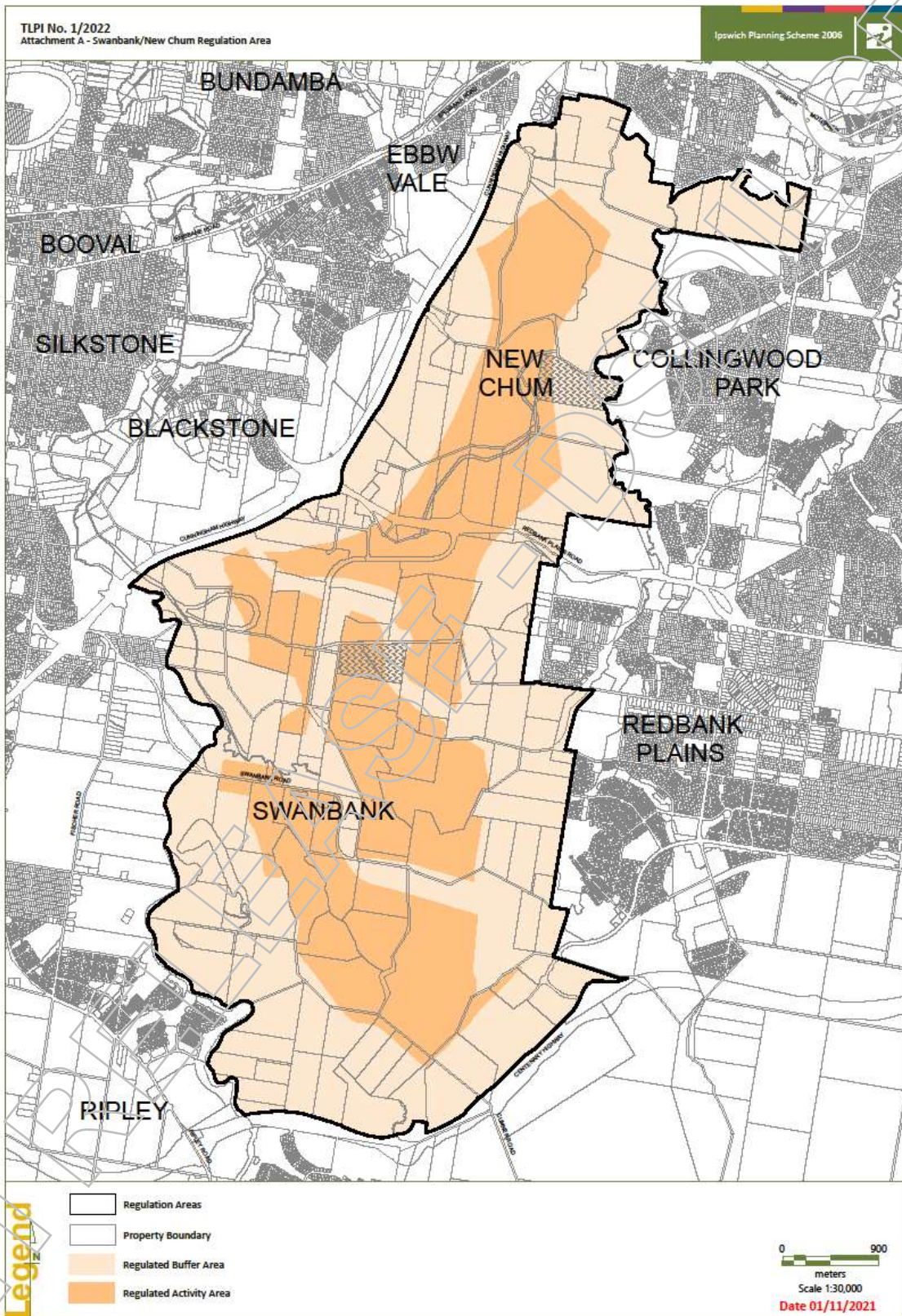
- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

#### **PART 7 – EFFECT OF THE TLPI**

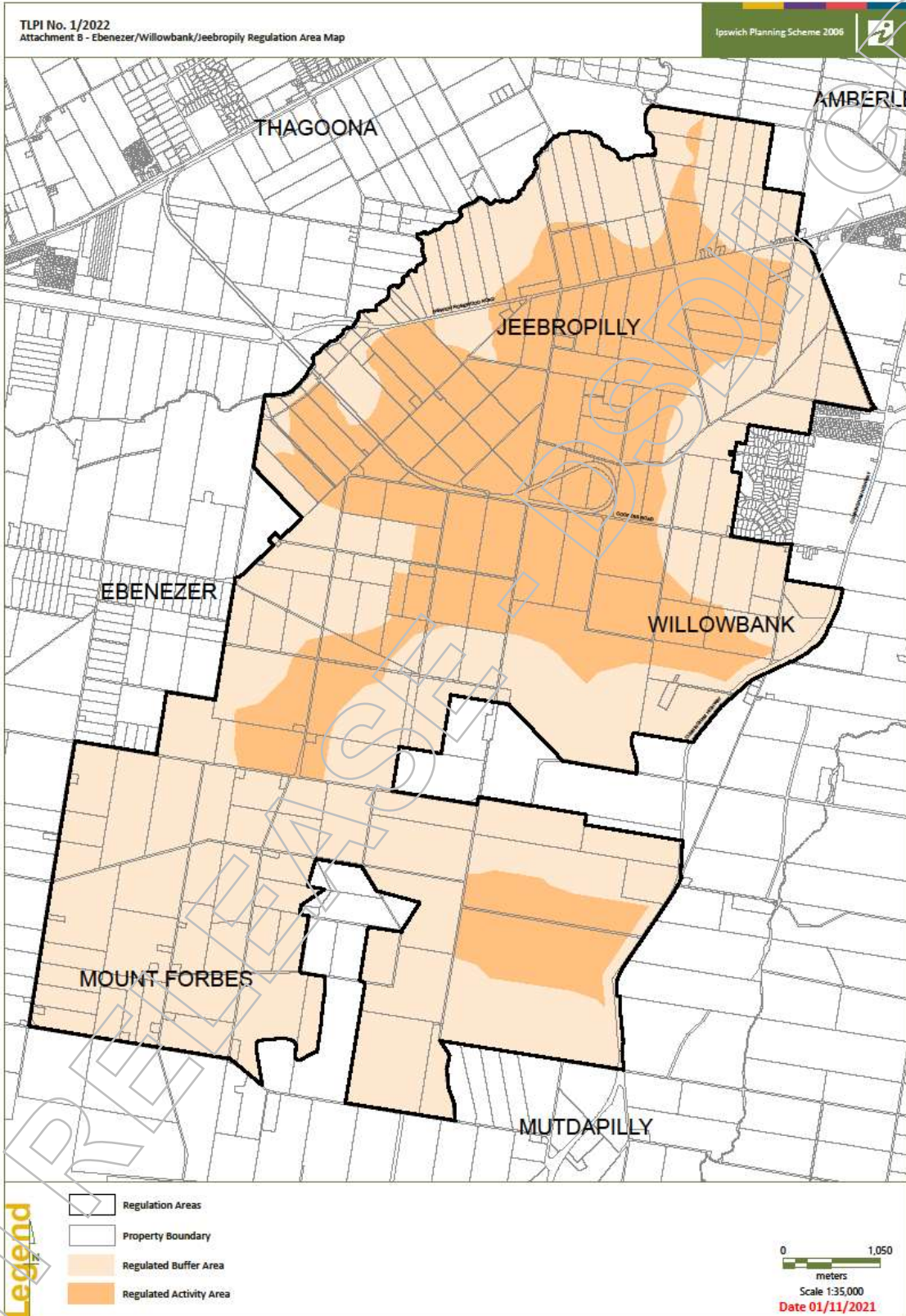
- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.
- 7.2 The assessment benchmarks under this TLPI are:
  - (a) the Strategic Outcomes 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
<b>(1)</b> The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
<b>(2)</b> The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> <li>(a) does not have any adverse impact on Sensitive Receiving Uses; or</li> </ul>	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.	
<b>(3)</b> 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
<b>(4)</b> 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
<b>(5)</b> 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
<b>(6)</b> 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"> <li>(g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and</li> <li>(h) implements and maintains best practice minimisation and management of adverse impacts at all times.</li> </ul>	
<p><b>(7)</b> Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> <li>(a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials;</li> <li>(b) for Landfill, use Clean Earth in priority to the importation of waste;</li> <li>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</li> <li>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</li> <li>(e) ensure that fill materials are compacted to the maximum extent possible.</li> </ul>	No probable solution provided
<p><b>(8)</b> Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> <li>(a) provides a necessary stormwater management function;</li> <li>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</li> <li>(c) does not exceed a maximum gradient of 5%.</li> </ul> <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><b>(9)</b> Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance;</li> <li>(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;</li> <li>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(e) where possible, improves the quality of nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>(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;</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) where possible, avoids complex and technical management systems.</p>	
<p><b>(10)</b> Waste Activities or Restoring a Void are designed, operated and maintained to protect surrounding and nearby Sensitive Receiving Uses 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>No probable solution provided</p>



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><b>(11)</b> 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><b>(12)</b> 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**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>USES IN THE REGULATED BUFFER AREA</b>		
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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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
<b>UNSPECIFIED USES</b>		
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.

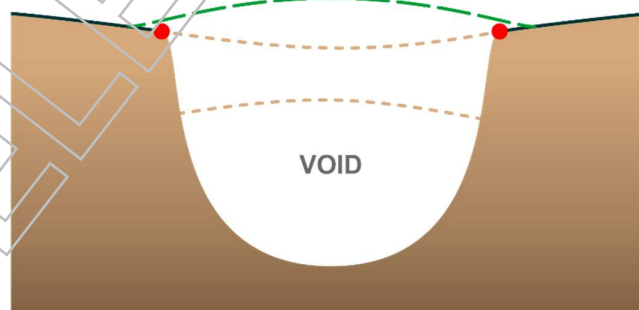
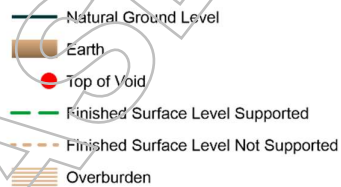
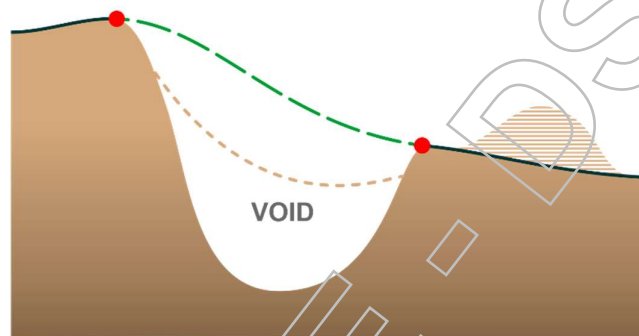
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means–
- (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.

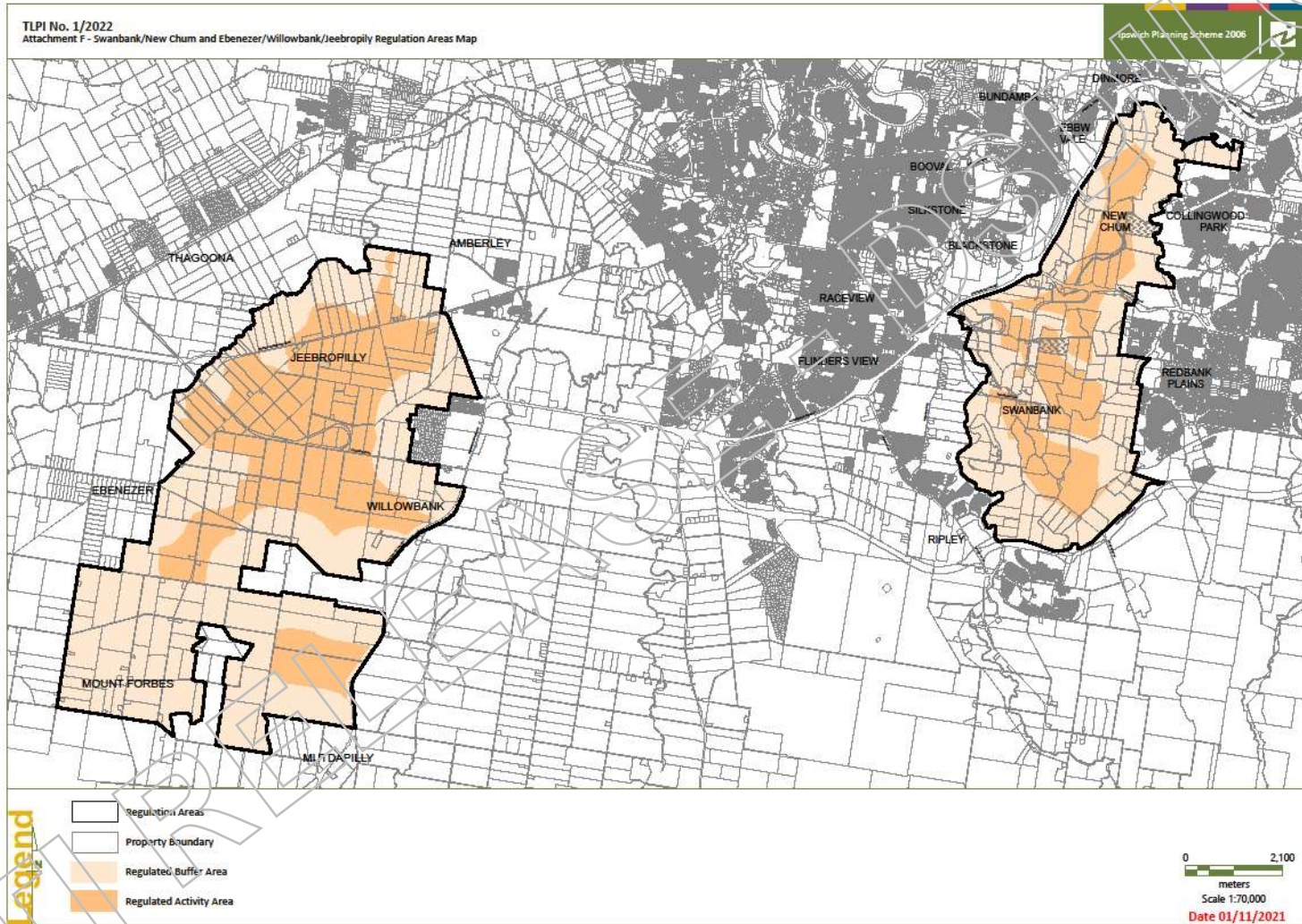
8.13 **“Void”** means—

(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



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

**Ipswich Planning Scheme 2006**

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**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–

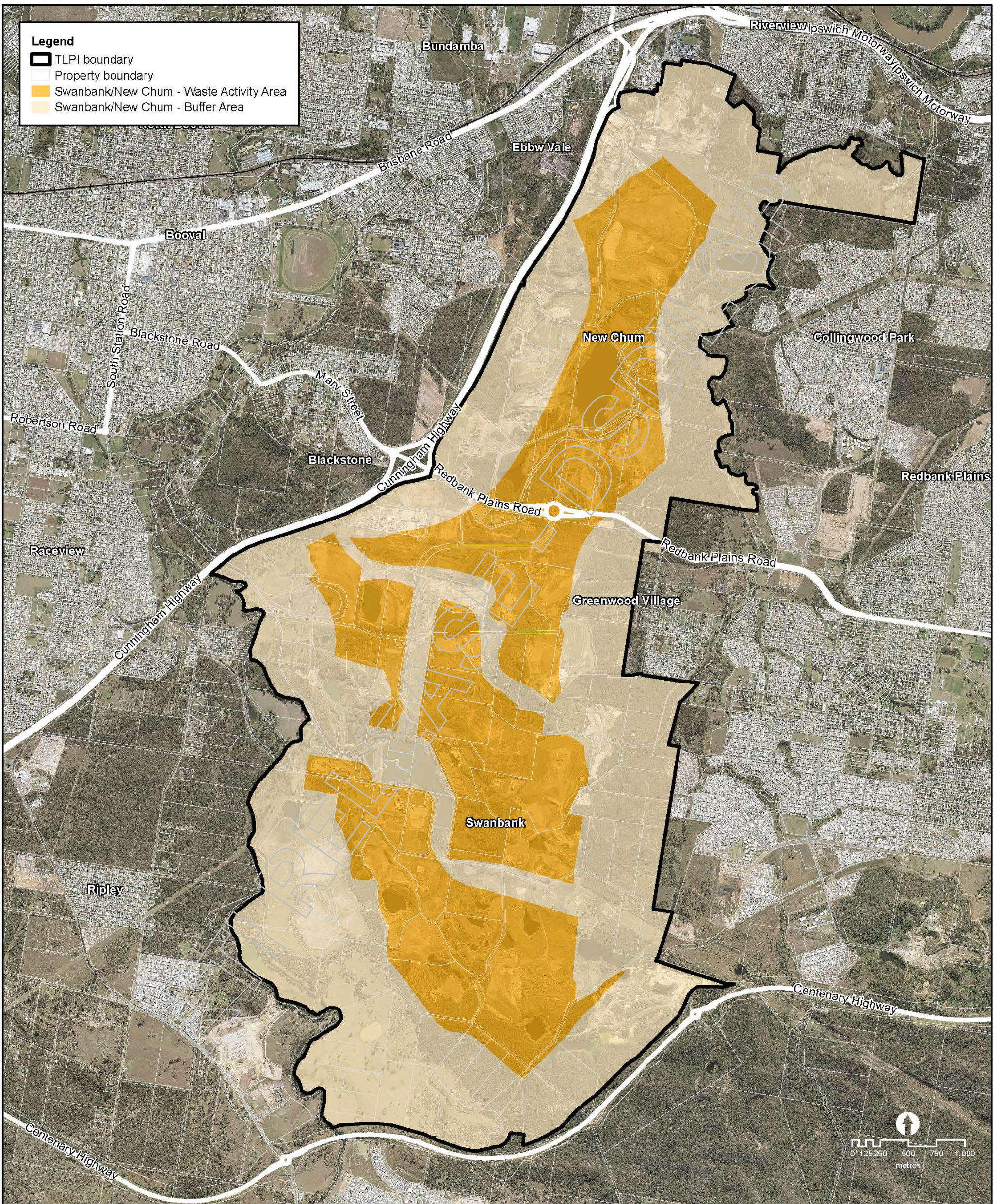
- (a) the filling of a mining void involving only ‘clean earthen material’.

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*

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## 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


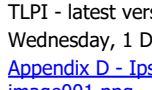

- (1) The use of a premises for a Waste Activity Use involving “Rehabilitating a mining void” occurs only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity 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**

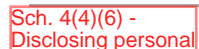
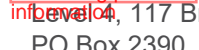
Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
<b>SWANBANK / NEW CHUM BUFFER AREA</b>		
Waste Activity Use involving Rehabilitating a Mining Void	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking 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
<b>SWANBANK / NEW CHUM WASTE ACTIVITY AREA</b>		
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
<b>OTHER</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

**From:**   
**To:**   
**Cc:**   
**Subject:** TLPI - latest version  
**Date:** Wednesday, 1 December 2021 1:51:00 PM  
**Attachments:** [Appendix D - Ipswich Waste TLPI - 011221 \(1\).docx](#)  
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[image004.png](#)

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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

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a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

### The Planning Challenge

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 of the TLPI.

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### 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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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. 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 ~~and minimises a high standard of~~ amenity by minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

**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**

<b>Column 1 Specific Outcomes</b>		<b>Column 2 Probable Solutions</b>
<b>Swanbank/New Chum Regulation Area</b>		
(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 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; (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>		

Column 1 Specific Outcomes	Column 2 Probable Solutions
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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.	
<b>Waste Activities (Landfill)</b>	
(10) 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

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) 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
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided



Column 1 Specific Outcomes	Column 2 Probable Solutions
space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
(16) Waste Activities or Restoring a Void are designed, operated and maintained to: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(j) does not adversely affect stormwater management and ensures no worsening</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>of water quality (including contaminant loading) beyond the site boundary; and</p> <p>(k) where possible, avoid complex and technical management systems.</p>	
<p>(17) 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>	<p>No probable solution provided</p>

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed– 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

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
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.”*

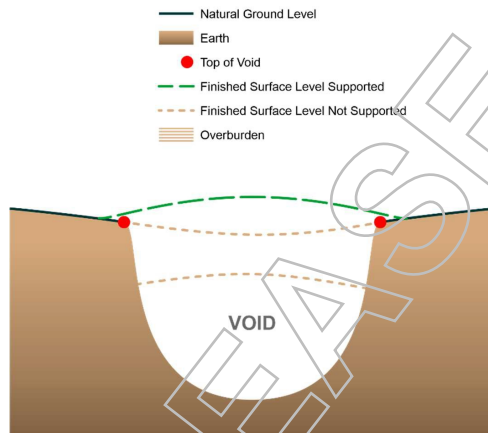
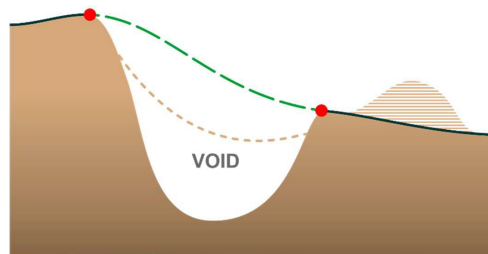
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.

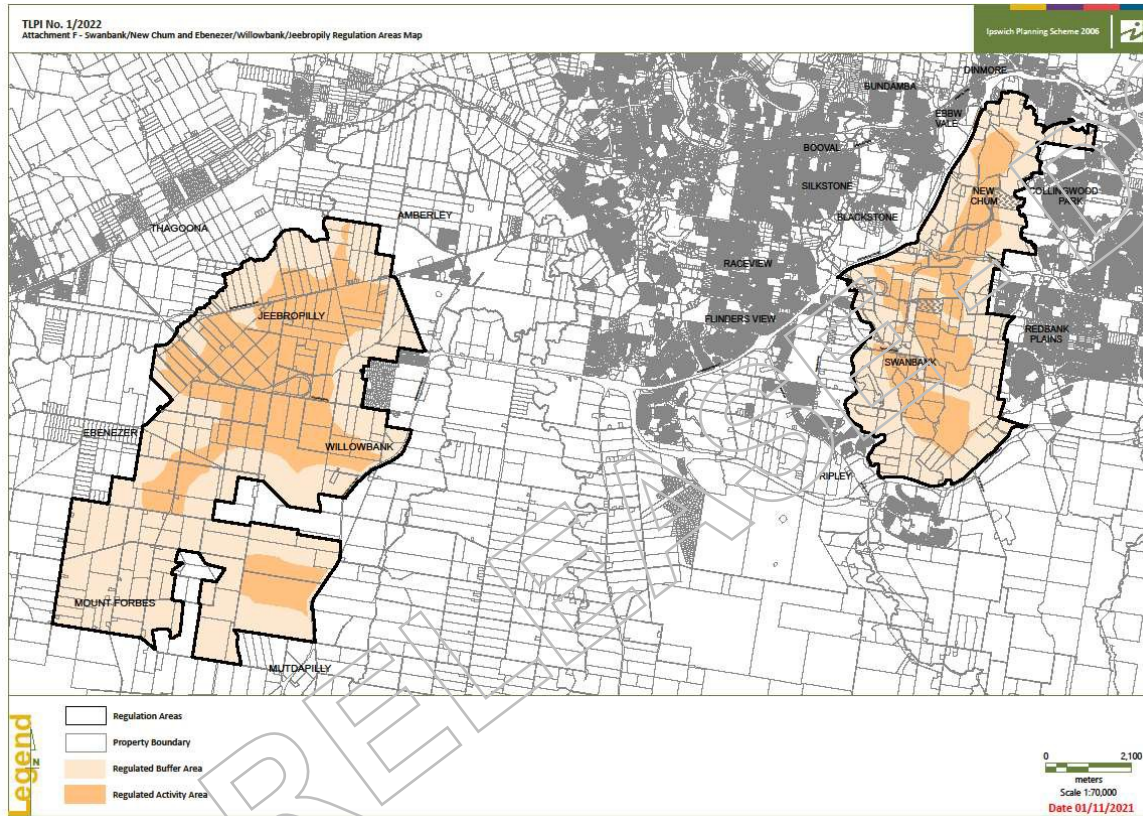


- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”;
  - any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

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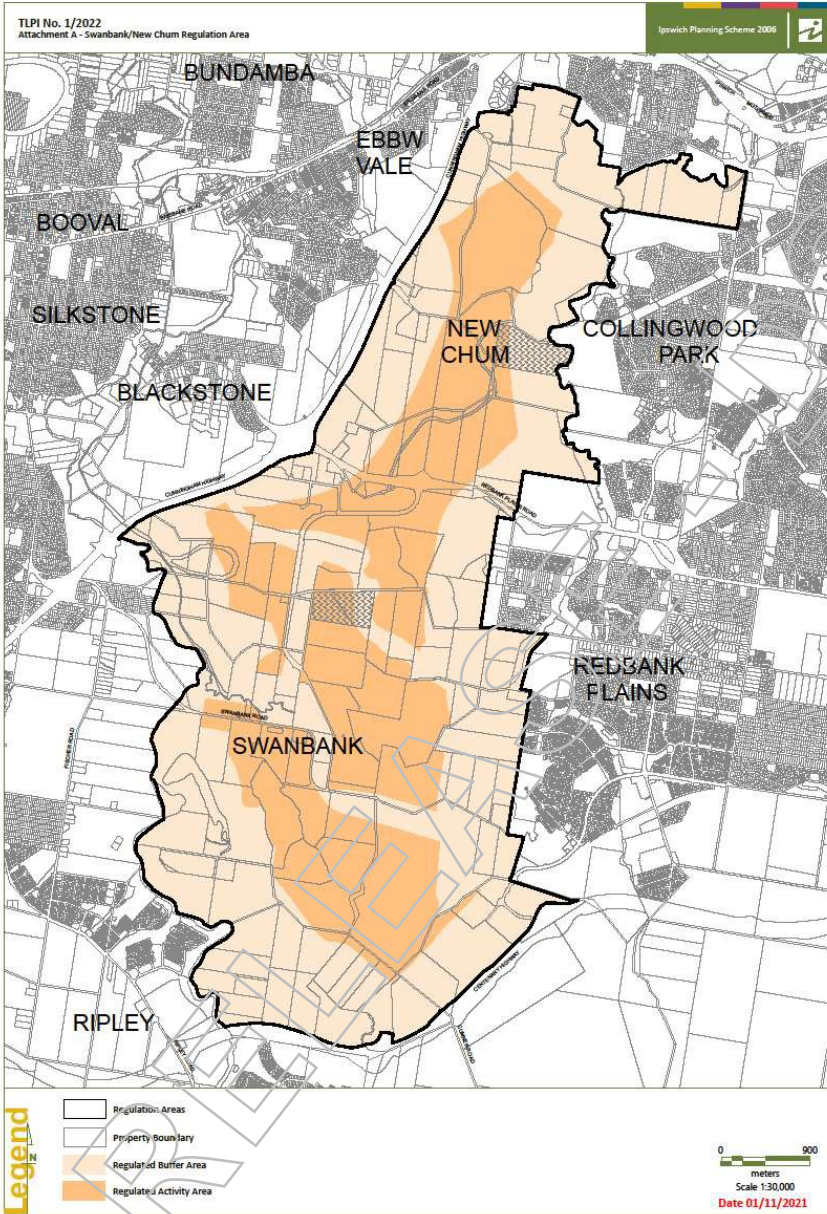
**FIGURE 1: TLPI BOUNDARY**



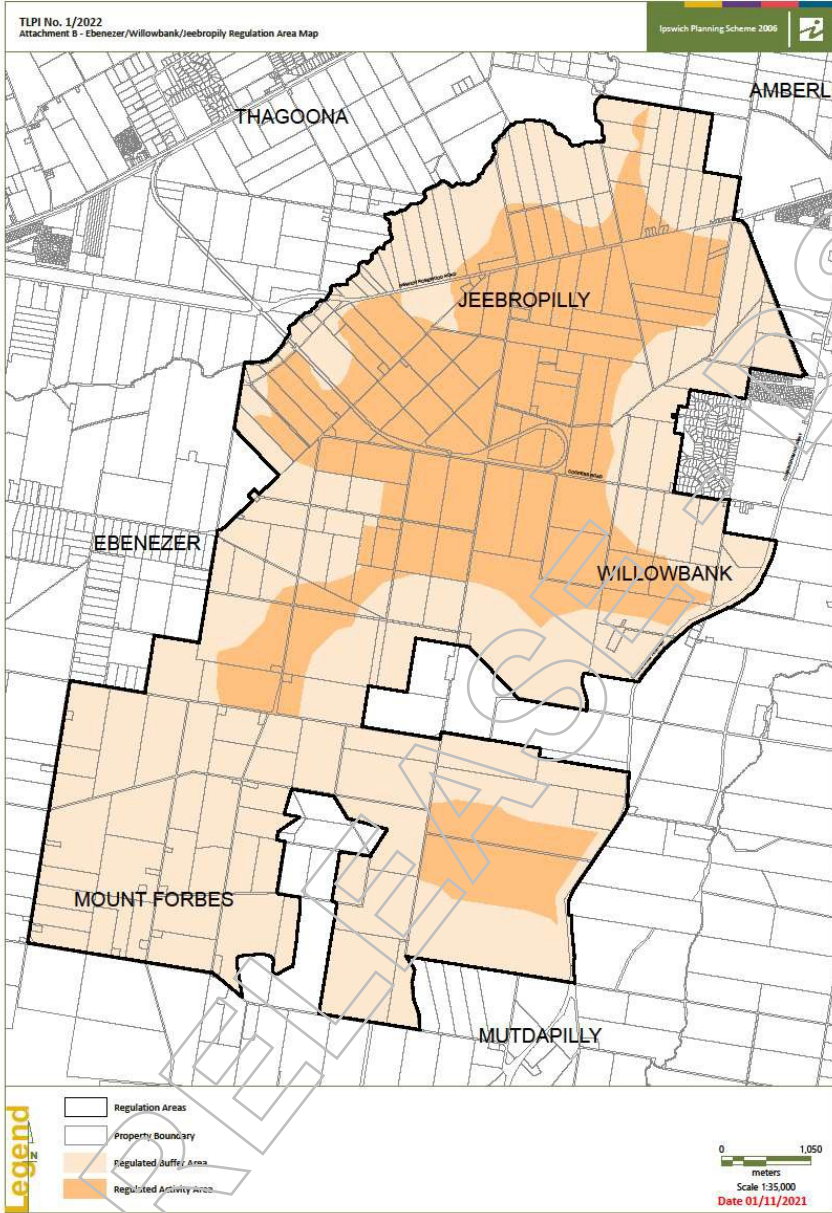
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FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



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**From:**   
**To:**   
**Subject:** comparison table  
**Date:** Wednesday, 1 December 2021 1:52:00 PM  
**Attachments:** [Detailed comparison table \(revised 1-12-21\).docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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

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## Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Short title</b>			
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.</li> </ul>
<b>Background</b>			
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> <li>history and need for TLPI's</li> <li>includes a statement on the planning challenge in Ipswich that is presented by waste.</li> <li>focuses on matters that can be regulated by the TLPI</li> <li>includes an item titled 'the planning challenge'</li> <li>includes background on emerging Energy from Waste (EfW) technology and associated planning challenge.</li> </ul>	New  (reflects policy intent)	<ul style="list-style-type: none"> <li>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.</li> <li>To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities.</li> <li>Waste generation cannot be regulated by the TLPI, but waste activities can.</li> </ul>
<b>Overview</b>			
This section outlines what the TLPI seeks to do, through three short statements.	Changes to: <ul style="list-style-type: none"> <li>acknowledge the Waste and Resource Management Hierarchy</li> <li>acknowledge the role that waste activities play as critical infrastructure and the need to focus on impacts on the environment</li> <li>state the TLPI seeks to balance land use, economic, social and environmental interests in TLPI Boundary</li> <li>includes reference to new mapping (i.e. Figure 1: TLPI Boundary).</li> </ul>	Amended  (code drafting)	<ul style="list-style-type: none"> <li>Removes duplication.</li> <li>To acknowledge emerging EfW technologies and associated planning challenges for Ipswich.</li> <li>Provides connection to the Queensland Government's Waste and Resource Management Hierarchy (new state government position).</li> </ul>
<b>Purpose of TLPI</b>			
This section outlines the purpose of the TLPI and how it will achieve this purpose.	This section has been modified as follows: <ul style="list-style-type: none"> <li>drafting and content changes</li> <li>clarification regarding the purpose through additional statements</li> <li>new/revised Strategic Outcomes</li> <li>outlines matters that planning decisions should seek to balance</li> <li>includes assessment benchmarks to assess EfW proposals</li> <li>re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank</li> <li>maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly</li> <li>improve the overall workability of the TLPI</li> <li>removes the section containing matters that planning decisions should seek to balance.</li> </ul>	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To better clarify the purpose, intent and outcomes sought by the TLPI.</li> <li>Introduces regulation to regulate EfW proposals in Ipswich.</li> <li>Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).</li> </ul>
<b>Duration of TLPI</b>			

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide clarity and consistency with the Planning Act.</li> </ul>
<b>Interpretation</b>			
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.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State waste and environmental legislation where not defined under the planning scheme.</li> </ul>
<b>Application of TLPI</b>			
This section identifies the geographical area of the TLPI.	Removed and consolidated into 'Effect of TLPI' section.	Amended (code drafting)	<ul style="list-style-type: none"> <li>Has been moved to next section 'Effect of TLPI' to simplify and condense drafting.</li> </ul>
<b>Effect of the TLPI</b>			
This section clarifies assessment benchmarks for the TLPI.	Changes to: <ul style="list-style-type: none"> <li>incorporate application of TLPI, including spatial area</li> <li>contains relocated content from the overview section that are relevant to the application of the TLPI.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>TLPI mapping</b>			
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI and has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To reflect the combined single TLPI area.</li> <li>Revised mapping is reflective of: <ul style="list-style-type: none"> <li>the same geographical area</li> <li>the same buffer and activity area extents.</li> </ul> </li> </ul>
<b>Level of assessment</b>			
Code assessable <ul style="list-style-type: none"> <li>Waste activity involving rehabilitating a mining void (within the buffer area).</li> </ul>	Policy changes to expand Code assessable development as follows: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>waste activity for a resource recovery facility (both within the buffer area and the activity area)</li> <li>waste activity for a waste transfer station or facility (within the activity area).</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Makes clearer what are desirable waste activity uses within the TLPI area.</li> <li>Restoring mining voids is one of the main ICC policy objectives – this has been advanced for the TLPI area in its entirety, however the definition has changed so that it is clear these activities would only occur where there is a former mining void that is not encumbered by an active mining lease or mine rehabilitation area/plan..</li> <li>Maintain council policy position of facilitating greater recycling and reuse opportunities by resource recovery.</li> <li>Maintain council policy position on restoring a void for both buffer areas.</li> </ul>
Impact assessable <ul style="list-style-type: none"> <li>Waste activity use involving rehabilitating a mining void (within the activity area).</li> <li>Waste activity use involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> <li>Waste activity use involving energy from waste (EfW)</li> </ul>	Policy changes to: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>landfill advanced for Ebenezer</li> <li>landfill identified as an inconsistent use for Swanbank/New Chum</li> <li>new use of EfW identified as an inconsistent use</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended	<ul style="list-style-type: none"> <li>Makes clearer what are undesirable waste activity uses within the TLPI area.</li> <li>Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported.</li> <li>Restoring a void advanced for all areas.</li> <li>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.</li> <li>Sensitive use proximity for Ebenezer is considered manageable as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area.</li> <li>Maintains existing intent to avoid unenclosed composting occurring in the TLPI areas.</li> <li>Maintain existing TLPI provisions for compost manufacturing in all areas as impact due to the high risks of adverse impacts associated with these uses.</li> <li>Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment.</li> </ul> <p><b>Subject to ongoing monitoring of:</b> Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other <ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	Unspecified uses <ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	Amended (minor drafting)	<ul style="list-style-type: none"> <li>Change merely confirms how TLPIs operate.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Waste activity code</b>			
<b>Sections 1 and 2 (States the what the code is and Compliance with the Code)</b> <ul style="list-style-type: none"> <li>Procedural sections identifying the code.</li> <li>States if development complies with the assessment benchmarks it complies with the code.</li> </ul>	Changes to: <ul style="list-style-type: none"> <li>combine sections</li> <li>clarify that consistent development would be assessed against the assessment benchmarks, purpose and overall outcomes of the entire code</li> <li>clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, and the purpose of the TLPI</li> <li>addition regarding SO's for each area (Table 4.1).</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.</li> </ul>
<b>Section 3 (purpose and overall outcomes)</b> <ul style="list-style-type: none"> <li>States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> </ul>	Now Section 2, changes to: <ul style="list-style-type: none"> <li>expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids</li> <li></li> <li>overall outcomes for Waste Activities in Swanbank/New Chum are proposed</li> <li>overall outcomes for Waste Activities in Ebenezer/Willowbank/Jeebropilly are proposed</li> <li></li> <li>better line of sight – purpose statements reflecting detailed code provisions</li> <li></li> <li>includes new land use outcomes for regional business areas</li> <li>lists various amenity and impact avoidance outcomes for waste activities</li> <li>seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported</li> <li>expresses a preference to avoid unenclosed composting occurring in the TLPI areas</li> <li>includes new amenity protection outcomes for sensitive receiving uses</li> <li>new EfW purpose statements added</li> <li>specific overall outcomes</li> </ul>	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication.</li> <li>New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses).</li> <li>Maintains existing amenity protection outcomes but places increased emphasis on them.</li> </ul>
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"> <li>Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.</li> </ul>
<b>Section 4 (specific outcomes and probable solutions)</b> <ul style="list-style-type: none"> <li>Outcomes listed as numbered sections</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activities rehabilitating former mining land.</li> <li>Outcomes for earthworks associated with waste activities.</li> </ul>	<ul style="list-style-type: none"> <li>Outcomes contained in a code table as per planning scheme.</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> <li>New outcomes for earthworks associated with waste activities.</li> <li>New outcomes for how waste activities are undertaken.</li> <li>Code drafting to include sign posting and reduce duplication</li> </ul>	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Specific outcomes structured in a table to align with department plan making and code drafting.</li> <li>New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives.</li> <li>New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use.</li> <li>New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances.</li> <li>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.</li> <li>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.</li> </ul>



SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> </ul>	<ul style="list-style-type: none"> <li>Greater line of sight to purpose statement and code provisions</li> <li>Advancing and strengthening council policy intent where appropriate</li> </ul> <p>EfW:</p> <ul style="list-style-type: none"> <li>include assessment provisions for EfW</li> <li>new specific outcome included on separation between any activity and existing/planned sensitive uses</li> <li>new specific outcome included to addressing the form/size/scale of any activity</li> </ul> <p>Restoring a void:</p> <ul style="list-style-type: none"> <li>new outcomes to provide for this use to occur in all areas</li> <li>new outcomes enabling this to occur as a standalone use and not combined with another activity</li> </ul> <p>Resource recovery:</p> <ul style="list-style-type: none"> <li>new outcomes to apply to resource recovery facilities as a waste activity type</li> <li>new outcomes to require landfill proposals to include resource recovery</li> </ul> <p>Landfill:</p> <ul style="list-style-type: none"> <li>establish a clear position that landfills for the disposal of waste material are managed to avoid adverse impacts and are not supported.</li> <li>new outcomes for landfills for Swanbank/New Chum identifying as undesirable</li> <li>new outcomes for landfills for Ebenezer</li> </ul> <p>Composting:</p> <ul style="list-style-type: none"> <li>outcomes as per existing TLPI</li> </ul>		<ul style="list-style-type: none"> <li>New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use.</li> <li>Minor change to the existing TLPI landfill provisions for Swanbank to improve workability</li> <li>Maintain existing TLPI composting provisions for all areas</li> <li>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.</li> <li>Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> </ul> <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>
<b>Definitions</b>			
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to accord with State legislation, including the following amended definitions:                             <ul style="list-style-type: none"> <li>Clean earth</li> <li>Compost manufacturing enclosed and unenclosed</li> <li>Landfill</li> <li>Restoring a void (formerly rehabilitating a mining void)</li> <li>Waste Activity</li> </ul> </li> <li>Various definitions have been revised to accord with State legislation, including the following new definitions:                             <ul style="list-style-type: none"> <li>Anaerobic digestion</li> <li>Composting</li> <li>Organic material</li> <li>Organic waste</li> <li>Enclosed system</li> <li>Feedstock</li> <li>Finished product</li> </ul> </li> </ul>	<p>Amended</p> <p>(supports expanded policy intent)</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to provide further clarity and to ensure transparency.</li> <li>EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope kept very broad instead of restricting the scope to focus on certain activity types.</li> <li>To ensure consistency with existing mining and environmental frameworks.</li> <li>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.</li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<ul style="list-style-type: none"> <li>- Regulated Activity Area and Regulated Buffer Area</li> <li>- Resource Recovery Facility</li> <li>- Top of Void</li> <li>- Sensitive Receiving Use</li> <li>- TLPI boundary</li> <li>- Void</li> <li>- Energy from Waste (EfW)</li> </ul> <ul style="list-style-type: none"> <li>- Maintains landfill and compost manufacturing as regulated uses.</li> <li>- Inclusion of resource recovery facility as a regulated use.</li> </ul> <p>Has been moved to the back of the TLPI instrument.</p>		
<i>NA – does not address Energy from Waste</i>	Policy changes to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Rehabilitating a mining void	<p>New definition of Restoring a void.</p> <p>New definition clarifies that:</p> <ul style="list-style-type: none"> <li>• filling of such voids can only occur if involving only clean earth (i.e. not landfill)</li> <li>• only apply to former mining voids that are not encumbered by a mining lease or mine rehabilitation area/plan.</li> </ul>	New (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts.</li> <li>• 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.</li> </ul>
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>Amended definitions expanded to include explanatory provisions aligning with Environmental Protection Regulation 2019 and Department of Environment and Science advice, as follows:</p> <ul style="list-style-type: none"> <li>• additional provisions included to define certain terms (e.g. anaerobic digestion)</li> <li>• removes 200t threshold from definition (new section included in Effect of TLPI section specifying domestic composting is not subject to TLPI)</li> </ul>	Amended (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• New section included within Part 2 specifying domestic composting is not subject to TLPI.</li> <li>• Aligns with ICC consultation and council preference to maintain a level of flexibility when assessing composting development applications to enable a decision based on individual merits and impacts to sensitive receptors etc.</li> <li>• 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.</li> </ul>
No definition for 'top of a void' included.	Adds a new definition for top of a void proposed, as well as a graphic to support interpretation.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this is used in the TLPI.</li> </ul>
No definition included for 'resource recovery facility' (term is not used).	Adds a new definition for resource recovery facility proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout TLPI.</li> </ul>
No definition included for 'sensitive receiving uses'.	Adds a new definition for sensitive receiving uses proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout the TLPI</li> </ul>

**From:**   
**To:**   
**Cc:**   
**Subject:** TLPI dotters  
**Date:** Wednesday, 1 December 2021 1:34:35 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

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### **Community perception – matters of interest to ICC**

Overview section 2.4 (what the TLPI seeks to do) was deleted by DSDILGP on the basis that:

- it repeated the policy intent of the TLPI, and was duplicated several times throughout the statutory instrument purpose/outcomes
- Improved workability of instrument
- Communication to public can be better addressed separately through web material and other supporting collateral (FAQ etc)

Effect of the TLPI section 3.3 (planning decisions must balance) was deleted by DSDILGP on the basis that:

- Duplicates Planning Act and assessment manager considerations
- Duplicates purpose/outcomes
- Improves workability of instrument

### **Waste activity – assessment provisions by area – matter of interest to ICC**

Code section 2 – purpose and overall outcomes (entirely v adequately protected in relation to waste activities and restoring a void), DSDILGP sought to:

- Retained council resolved TLPI language for entirely protected from waste activity impact in Swanbank/New Chum
- Retained council resolved TLPI language for adequately protected from waste activity restoring a void in all areas
- Changed to give Ebenezer the same level of protection from waste activity impacts as with restoring a void
- Recognise ICC do not support Ebenezer having a lower level of protection (adequately protected) and not being strong enough compared to Swanbank
- Maintains council policy approach to protect residential areas with highest likelihood of being impacted – Swanbank
- Aligns with State plan making guidance to not be a prohibition instrument
- Enables a development application to be made and assessed

Code section 2 (c) (waste activities in Ebenezer) code outcomes:

- Consistent with council resolved TLPI intent for landfill in Ebenezer
- Incorporates outcomes from existing Ministerial TLPI for waste activities
- Error removed in relation to landfill and composting, which DSDILGP added to make consistent with how landfill was being referenced in Swanbank.

Restoring a void

- Maintain council resolved TLPI position for all areas

Resource recovery facilities

- ICC didn't want provision for resource recovery to be added as co-located with landfill as may be considered to be supporting a landfill

- Retained resource recovery facilities as per council resolved TLPI but adjusted wording to enable assessment
- Aligns with council policy intent to promote resource recovery
- All waste activity provisions apply to resource recovery whether standalone use or combined with other uses

Code SO11 (ICC resolved provision for changes and expansion to waste activities and restoring a void, DSDILGP:

- Deleted SO11 and addressed through other SOs or code outcome statements
- Council version provision on restoring a void (adequately protected) overall outcome (adequately protected)
- Maintained council policy intent through other SOs and outcome statements
- Removed reference to community impacts because subjective and not measurable

Code S010 (ICC version)

- Amended because an SO can't cross reference to other SOs and needs to be self-contained
- Maintain council position for improved environmental management measures

Regards

[Redacted signature]

Principal Planning Officer

**SEQ West, Planning and Development Services**

Department of State Development, Infrastructure,  
Local Government and Planning

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**From:** [redacted]  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: TLPI - latest version  
**Date:** Wednesday, 1 December 2021 1:54:28 PM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Cheers [redacted]

Ush – no red flags from Industry development or EDQ. [redacted] happy that it no longer has waste hierarchy etc. in it.

They have requested copy of TLPI which I will forward them now. [redacted] as happy with that we do that if they ask.

Regards

[redacted]

[redacted]

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

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**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 1:51 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** TLPI - latest version

[redacted]

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

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RTI RELEASE - DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 1:55 PM  
**To:** [Redacted]  
**Subject:** RE: Urgent Discussion - TLPI

**Categories:** FYI

Hi [Redacted]

[Redacted] from my team and [Redacted] from the Deputy Premier's office will also be on this teleconference

regards



[Redacted]

State Planner & Deputy Director-General  
**Office of the State Planner**  
Department of State Development, Infrastructure,  
Local Government and Planning

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*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.*



-----Original Appointment-----

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 12:30 PM  
**To:** [Redacted]  
**Subject:** FW: Urgent Discussion - TLPI  
**When:** Wednesday, 1 December 2021 4:00 PM-4:30 PM (UTC+10:00) Brisbane.  
**Where:** Microsoft Teams Meeting

Meeting at 4pm

-----Original Appointment-----

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 12:16 PM  
**To:** [Redacted]  
**Subject:** Urgent Discussion - TLPI

**When:** Wednesday, 1 December 2021 4:00 PM-4:30 PM (UTC+10:00) Brisbane.

**Where:** Microsoft Teams Meeting

Meeting requested by

Attendee's

– ICC CEO  
General Manager (Planning and Regulatory Services)  
Manager, City Design  
SDILGP



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---

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[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 1:56 PM  
**To:** [Redacted]  
**Subject:** FW: Draft TLPI documents  
**Attachments:** Detailed comparison table 24-11-2021.docx; Redraft TLPI.docx  
**Categories:** FYI

Raw comments from [Redacted] - Monday 24 November 2021.



[Redacted]

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

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DSDILGP

**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.

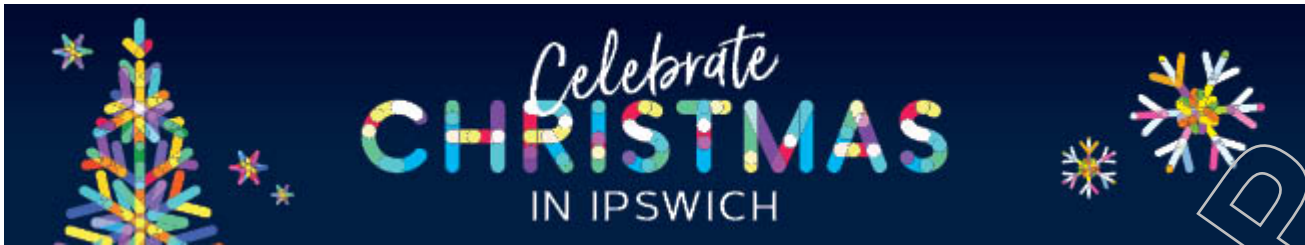
Thanks,

[Redacted]



[Redacted] | Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

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**From:** [Redacted]

**Sent:** Monday, 29 November 2021 12:06 PM

**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](#)

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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.



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RTI RELEASE - DSDIL 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
<b>Short title</b>				
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"> <li>To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.</li> </ul>
<b>Background</b>				
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> <li>Information on waste generation in Queensland and Ipswich</li> <li>History and need for TLPI's</li> <li>Includes a statement on the planning challenge in Ipswich that is presented by waste.</li> </ul>	Changes the Council resolved TLPI: <ul style="list-style-type: none"> <li>condenses background section to focus on matters that can be regulated by the TLPI (i.e. waste generation is beyond the planning framework).</li> <li>includes background on emerging Energy from Waste (EfW) technology and associated planning challenge.</li> </ul>	Amended from council resolved TLPI (reflects policy intent)	<ul style="list-style-type: none"> <li>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.</li> <li>To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities.</li> <li>Waste generation cannot be regulated by the TLPI, but waste activities can.</li> </ul>
<b>Overview</b>				
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"> <li>Address waste management and environmental impacts with reference to the Waste Management Hierarchy.</li> <li>Outline what the TLPI seeks to address.</li> <li>Facilitate land use outcomes sought by the ICC Waste and Circular Economy Transformation Directive.</li> <li>Not regulate activities authorised under existing Mining or Environmental regulations.</li> </ul>	Changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>acknowledges interim policy response for EfW.</li> <li>Removes what the TLPI seeks to achieve, as this is duplicated in the purpose statement and assessment benchmarks of the code.</li> <li>moves operational content to more appropriate section 'effect of TLPI' (including listed matters that the TLPI does not regulate).</li> <li>moves reference to ICC directive from the overview section to the background section</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>To acknowledge emerging EfW technologies and associated planning challenges for Ipswich.</li> <li>Removes duplication.</li> <li>Maintain connection to the ICC waste directive given council's policy position of planning instruments being one part of delivering on the directive</li> </ul>
<b>Purpose of TLPI</b>				
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"> <li>Clarification regarding the purpose through additional statements.</li> <li>New/revised Strategic Outcomes.</li> <li>Outlines matters that planning decisions should seek to balance.</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>includes assessment benchmarks to assess EfW proposals.</li> <li>re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank.</li> <li>maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly.</li> <li>improve the overall workability of the TLPI</li> <li>removes the section containing matters that planning decisions should seek to balance.</li> </ul>	Amended (expands policy intent)	<ul style="list-style-type: none"> <li>Introduces regulation to regulate EfW proposals in Ipswich.</li> <li>To better clarify the purpose, intent and outcomes sought by the TLPI.</li> <li>Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).</li> </ul>
<b>Duration of TLPI</b>				
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"> <li>To provide clarity and consistency with the Planning Act.</li> </ul>
<b>Interpretation</b>				
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"> <li>To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State</li> </ul>

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.
<b>Application of TLPI</b>				
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"> <li>Has been moved to next section 'Effect of TLPI'.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>Effect of the TLPI</b>				
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"> <li>incorporates application of TLPI, including spatial area (above).</li> <li>contains relocated content from the overview section that are relevant to the application of the TLPI.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>TLPI mapping</b>				
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"> <li>To reflect the combined single TLPI area.</li> <li>Revised mapping is reflective of:                             <ul style="list-style-type: none"> <li>the same geographical area</li> <li>the same buffer and activity area extents.</li> </ul> </li> </ul>
<b>Level of assessment</b>				
Code assessable <ul style="list-style-type: none"> <li>Waste activity involving rehabilitating a mining void (within the buffer area).</li> </ul>	Proposal to expand Code assessable development as follows: <ul style="list-style-type: none"> <li>Restoring a void (both within the buffer area and the activity area).</li> <li>Waste activity for a resource recovery facility (both within the buffer area and the activity area).</li> <li>Waste activity for a waste transfer station or facility (within the activity area).</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>restoring a void advanced for Swanbank</li> <li>restoring a void not advanced for Ebenezer</li> </ul> Has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> <li>Makes clearer what are desirable waste activity uses within the TLPI area.</li> <li>Restoring mining voids is one of the main ICC policy objectives – this has been advanced for Swanbank/New Chum.</li> <li>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.</li> <li>Maintain council position of facilitating greater recycling and reuse opportunities by resource recovery.</li> <li>Maintain council position on restoring a void for both buffer areas.</li> </ul>
Impact assessable <ul style="list-style-type: none"> <li>Waste activity use involving rehabilitating a mining void (within the activity area).</li> <li>Waste activity use involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> <li>Waste activity use involving energy from waste (EFW)</li> </ul>	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"> <li>Waste activity that is not code assessable – inconsistent use (within the buffer area).</li> <li>Waste activity involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> </ul>	Policy changes to Council resolved TLPI: <ul style="list-style-type: none"> <li>restoring a void not advanced for Ebenezer</li> <li>landfill advanced for Ebenezer</li> <li>new use of EFW identified as an inconsistent use</li> </ul> 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"> <li>Makes clearer what are undesirable waste activity uses within the TLPI area.</li> <li>Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>ICC clear preference is to avoid unenclosed composting occurring in the TLPI areas.</li> <li>Maintain compost manufacturing as impact due to the high risks of adverse impacts associated with these uses.</li> <li>Advancing council position of not supporting EFW by identifying as an inconsistent use with the highest level of assessment.</li> </ul> <p><b>Subject to ongoing monitoring of:</b> 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"> <li>Change merely confirms how TLPIs operate.</li> </ul>

**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"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>		(minor drafting)	
<b>Waste activity code</b>				
<b>Sections 1 and 2 (States the what the code is and Compliance with the Code)</b> <ul style="list-style-type: none"> <li>Procedural sections identifying the code.</li> <li>States if development complies with the assessment benchmarks it complies with the code.</li> </ul>	Sections 1 and 2 <ul style="list-style-type: none"> <li>New provision added for when development is undesirable and not likely to be approved.</li> </ul>	As per council resolved TLPI, with refinement to: <ul style="list-style-type: none"> <li>sections have been combined</li> <li>clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, not the assessment benchmarks in the entire code.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.</li> </ul>
<b>Section 3 (purpose and overall outcomes)</b> <ul style="list-style-type: none"> <li>States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> </ul>	Section 3 purpose and overall outcomes <ul style="list-style-type: none"> <li>Expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids.</li> <li>Includes new amenity protection outcomes for sensitive receiving uses.</li> <li>Includes new land use outcomes for regional business areas.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> <li>seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported.</li> <li>Expresses a preference to avoid unenclosed composting occurring in the TLPI areas.</li> </ul>	Now Section 2, and as per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> <li>EfW purpose statements have been added</li> <li>specific overall outcomes for Waste Activities in Swanbank/New Chum have been added</li> <li>specific overall outcomes Ebenezer/Willowbank/Jeebropilly have been added</li> <li>better line of sight – purpose statements reflecting detailed code provisions</li> </ul>	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication.</li> <li>New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses).</li> <li>Maintains existing amenity protection outcomes but places increased emphasis on them.</li> </ul> <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"> <li>Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.</li> </ul>
<b>Section 4 (specific outcomes and probable solutions)</b> <ul style="list-style-type: none"> <li>Outcomes listed as numbered sections</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activities rehabilitating former mining land.</li> <li>Outcomes for earthworks associated with waste activities.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> </ul>	Section 4 specific outcomes <ul style="list-style-type: none"> <li>Outcomes contained in a code table as per planning scheme.</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> <li>New outcomes for rehabilitating former mining land and is not tied to a waste activity.</li> <li>New outcomes for restoring a void.</li> <li>New outcomes for earthworks associated with waste activities.</li> <li>New outcomes for how waste activities are undertaken.</li> <li>Establish a clear position that landfills for the disposal of waste material are managed to avoid</li> </ul>	As per council resolved TLPI with policy changes to: <ul style="list-style-type: none"> <li>Code drafting to include sign posting and reduce duplication</li> <li>Greater line of sight to purpose statement and code provisions</li> <li>Advancing and strengthening council policy intent where appropriate</li> </ul> EfW: <ul style="list-style-type: none"> <li>include assessment provisions for EfW</li> <li>new specific outcome included on separation between any activity and existing/planned sensitive uses</li> <li>new specific outcome included to addressing the form/size/scale of any activity</li> </ul> Restoring a void: <ul style="list-style-type: none"> <li>new outcomes to provide for this use to occur as per council resolved TLPI</li> </ul>	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Specific outcomes structured in a table to align with department plan making and code drafting.</li> <li>New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives.</li> <li>New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use.</li> <li>New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances.</li> <li>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.</li> <li>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.</li> <li>New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use.</li> <li>Minor change to the existing TLPI landfill provisions for Swanbank to improve workability</li> </ul>

- 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"> <li>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.</li> <li>Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>effect of the specific outcomes limited to Swanbank/New Chum</li> </ul> <p>Resource recovery:</p> <ul style="list-style-type: none"> <li>new outcomes to include resource recovery facilities</li> <li>minor change to council resolved TLPI to address co-location with landfill proposals</li> </ul> <p>Landfill:</p> <ul style="list-style-type: none"> <li>new outcomes for landfills to align with council resolved TLPI for Swanbank</li> <li>maintain existing TLPI outcomes for Ebenezer</li> </ul> <p>Composting:</p> <ul style="list-style-type: none"> <li>as per council resolved TLPI</li> </ul>		<ul style="list-style-type: none"> <li>Maintain existing TLPI landfill provisions for Ebenezer.</li> <li>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.</li> </ul> <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>
<b>Definitions</b>				
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to accord with State legislation, including the following amended definitions:                             <ul style="list-style-type: none"> <li>Clean earth</li> <li>Compost manufacturing enclosed and unenclosed</li> <li>Landfill</li> <li>Restoring a void (formerly rehabilitating a mining void)</li> <li>-</li> </ul> </li> <li>Various definitions have been revised to accord with State legislation, including the following new definitions:                             <ul style="list-style-type: none"> <li>Anaerobic digestion</li> <li>Composting</li> <li>Organic material</li> <li>Organic waste</li> <li>Enclosed system</li> <li>Feedstock</li> <li>Finished product</li> <li>Regulated Activity Area and Regulated Buffer Area</li> <li>Resource Recovery Facility</li> <li>Top of Void</li> <li>Sensitive Receiving Use</li> <li>TLPI boundary</li> <li>Void</li> </ul> </li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>	<p>Policy changes to Council resolved TLPI to include:</p> <ul style="list-style-type: none"> <li>EfW definition</li> </ul> <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"> <li>Maintain council policy position by retaining all previously proposed definitions.</li> <li>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.</li> <li>To ensure consistency with existing mining and environmental frameworks.</li> <li>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</li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>
<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"> <li>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.</li> </ul>

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"> <li>only apply to the Swanbank/New Chum Area</li> </ul>	New (expanded policy intent)	<ul style="list-style-type: none"> <li>Stronger regulation required in Swanbank/New Chum, to protect community amenity and environmental impacts.</li> <li>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.</li> </ul>
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"> <li>New section included within Part 2 specifying domestic composting is not subject to TLPI.</li> <li>ICC prefers to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> <li>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.</li> </ul>
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"> <li>To provide clarification where this is used in the TLPI.</li> </ul>
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"> <li>To provide clarification where this term is used throughout TLPI.</li> </ul>
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"> <li>To provide clarification where this term is used throughout the TLPI</li> </ul>

**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

**Commented [ND21]:** Inserted – ensure relevant provisions of the planning scheme apply as assessment benchmarks, where necessary

~~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. The categories of assessment for development types and relevant criteria is set out in the Table of Assessment in **Attachment B**.~~

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~~6.6. This TLPI includes definitions as set out below in **Attachment EC**.~~

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~~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.~~

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~~6.8. This TLPI does not regulate operational work, for which the Ipswich Planning Scheme is the regulatory instrument.~~

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~~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 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.

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Commented [UM29]: Part 3 of the TLPI.

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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.

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**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:
- ~~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 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
<b>Swanbank/New Chum Regulation Area</b>	
(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; <del>or and</del> (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) <del>The use of premises for Restoring a Void uses:</del> (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
<del>(4) The use of premises for Waste Activities does not occur in the Regulated Buffer Area.</del>	No probable solution provided
<del>(5) The use of premises for a Waste Activity involving "Landfill" or "Compost Manufacturing Unenclosed" in the Regulated Activity Area is avoided.</del>	No probable solution provided
<del>(6)</del> (4) The combined use of premises for Restoring a Void <del>or and</del> for Waste Activities, <del>or a combination thereof:</del> (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) <del>do not prejudice or compromise any future restoration, use, repair or maintenance of the premises;</del> (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(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>	
<b>Waste Activities</b>	
(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
<b>Filling and earthworks</b>	
(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) <del>avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</del></p> <p><del>(e)</del>(d) ensure that fill materials are compacted to the maximum extent possible.</p>	
<p><del>(9)</del>(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><del>(b) does not exceed a maximum gradient of 5%.</del></p> <p><del>or</del></p> <p>(c) <del>Note: does not exceed a maximum gradient of 5%, or</del> 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
<b>Landscaping and visual amenity</b>	
<p><del>(9)</del>(12) Waste Activities or Restoring a Void <del>are designed and managed to are developed in a manner that:</del></p> <p>(a) <del>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</del></p> <p><del>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance; and</del></p> <p><del>(c) does not adversely affect surface water or ground water quality, or introduce increased risks to surface water or ground water quality, including through</del></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><b>Stormwater and groundwater management</b></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><del>(10)</del>(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) <del>New, changed or expanded Waste Activities or Restoring a Void:</del></p> <p><del>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved; and</del></p> <p><del>(b) avoid all detrimental amenity, environmental or community impacts; and</del></p> <p><del>(c) do not result in filling beyond the Top of any void, except as provided for in Specific Outcome 8 above.</del></p>	<p>No probable solution provided</p>
<p>(12) <del>The establishment of new high quality Resource Recovery Facilities on the site of, or adjoining, existing waste activities will contribute to:</del></p> <p><del>(a) the diversion of the waste stream entering the site to:</del></p> <p><del>(i) increase the re-use, recycling and recovery of waste resources; and</del></p> <p><del>(ii) a reduction in demand for Landfill.</del></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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

**Commented [UM73]:** New use and impact assessment incorporated.

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## 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*

~~(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.

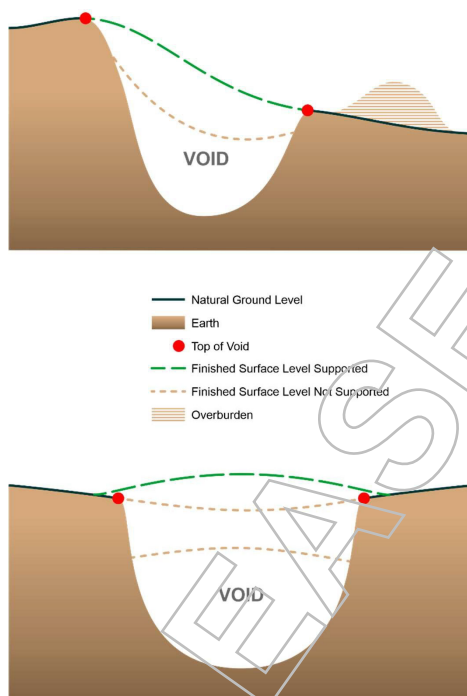
Definition consistent with DES' Waste Policy (June 2020)

**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

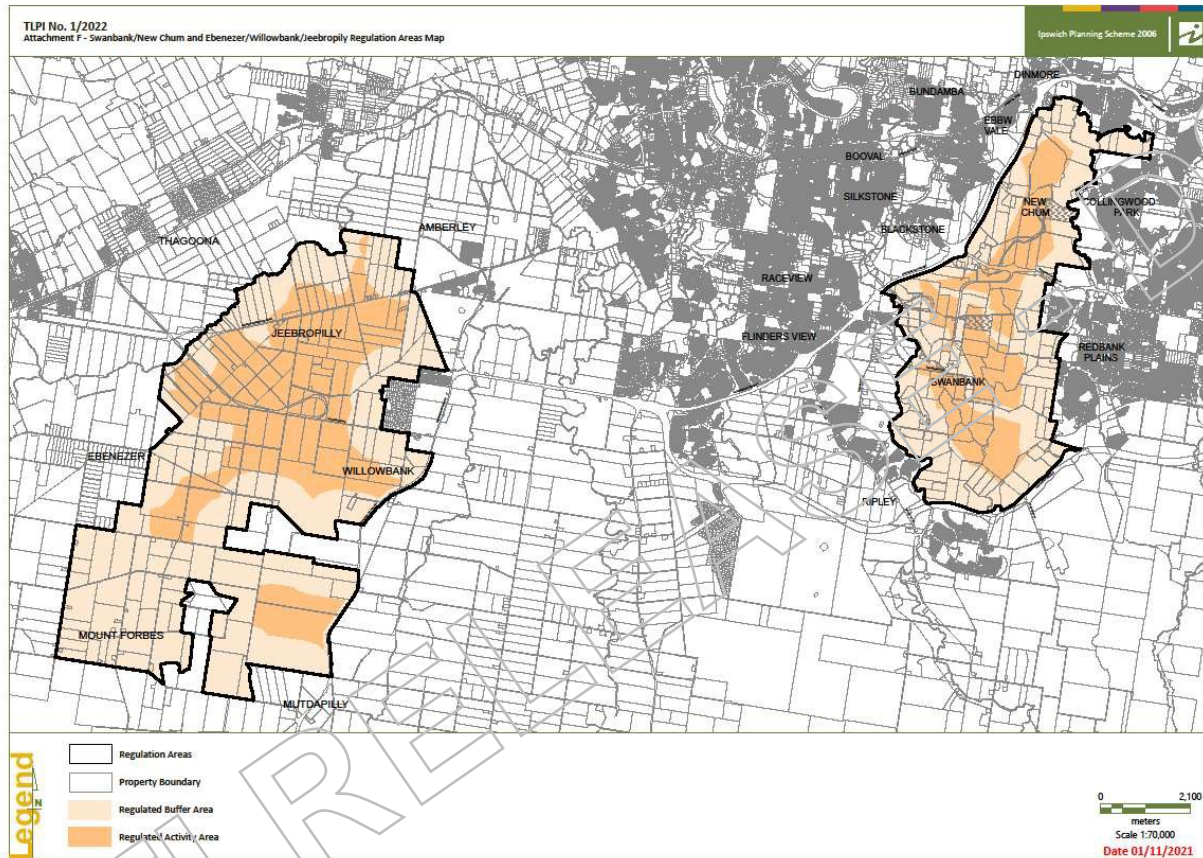
Commented [ND76]: Inserted to ensure provisions apply to energy from waste activities

~~(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.

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**ATTACHMENT FIGURE 1: TLPI BOUNDARY**

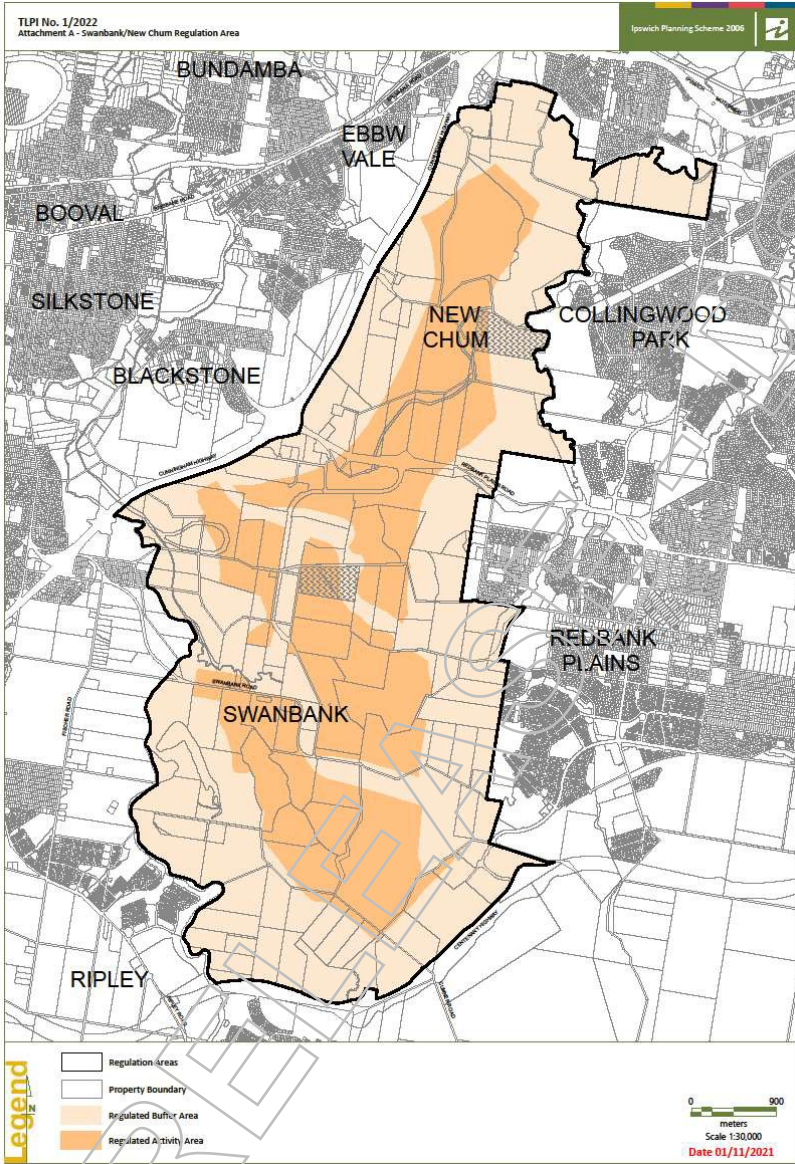


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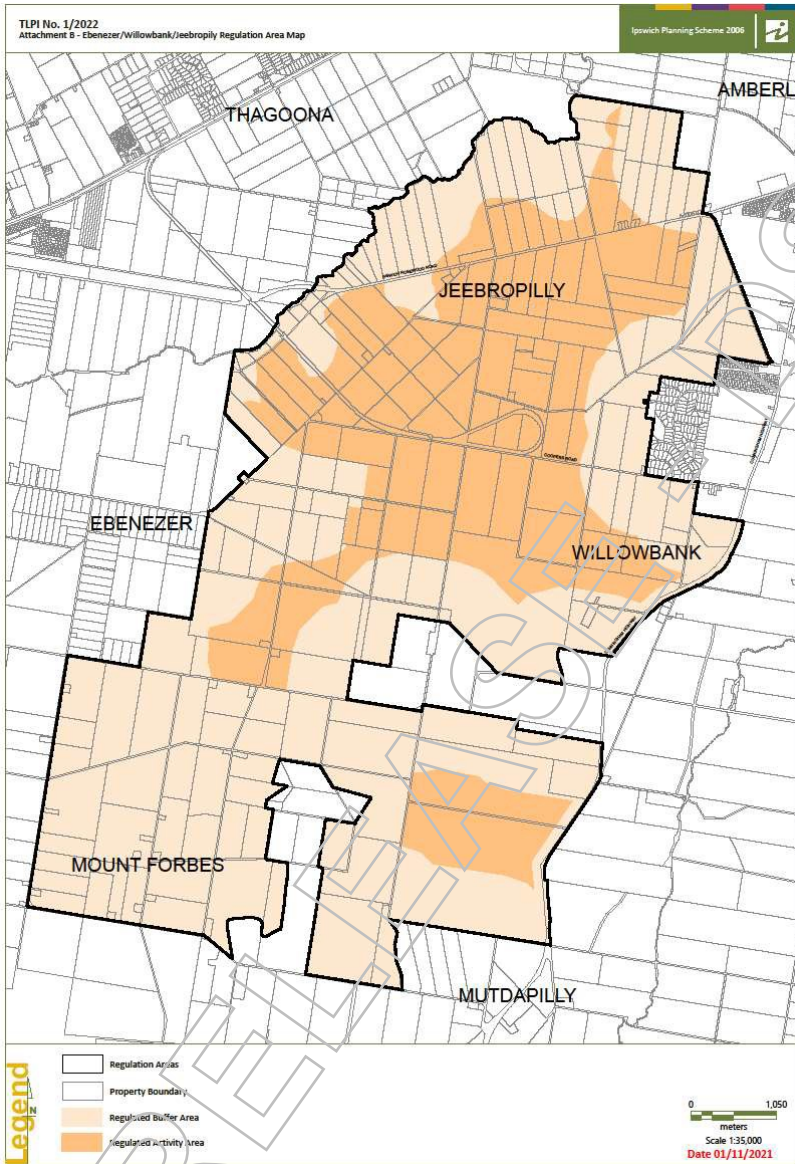
**Commented [BD77]:** Note the plans themselves have titles that differ from what's now in the document.



**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]

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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]

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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:** Wednesday, 1 December 2021 1:56 PM

**To:**

**Cc:**

**Subject:** Ipswich TLPITLPI dotters

**Attachments:** Final Draft TLPI 2022 for Council Meeting 181121.pdf; Existing Min tlp-no-01-2020-waste-activity-regulation.pdf; Ipswich Waste TLPI - 011221 (for briefing) 1.15pm.docx; Detailed comparison table (revised 1-12-21).docx

Hi [Redacted]

The key issues raised by ICC comments received on 24 November 2021 were in relation to two aspects of the TLPI:

- matters that ICC sought to retain that provided community perception/collateral.
- assessment provisions for Waste Activities (specifically landfill) in Ebenezer/Willowbank/ Jeebropilly

All other matters raised were either addressed by DSDILGP in response to ICC comments, or were not carried forward due to fundamental code drafting (i.e. already covered elsewhere, remove duplication, workability etc).

### Community collateral

Overview section 2.4 (what the TLPI seeks to do) was deleted by DSDILGP on the basis that:

- it repeated the policy intent of the TLPI, and was duplicated several times throughout the statutory instrument purpose/outcomes
- deletion would improved workability of instrument
- communication to public can be better addressed separately through web material and other supporting collateral (FAQ etc)

Effect of the TLPI section 3.3 (planning decisions must balance) was deleted by DSDILGP on the basis that:

- decisions are stipulated under the Planning Act and assessment manager considerations, which allow for the balancing of interests within a code
- it duplicated purpose/outcomes
- it improves workability of instrument

### Waste activity – assessment provisions by area – matter of interest to ICC

Code section 2 – purpose and overall outcomes (entirely v adequately protected in relation to waste activities and restoring a void), DSDILGP sought to:

- Retain council resolved TLPI language for entirely protected from waste activity impact in Swanbank/New Chum
- Retain council resolved TLPI language for adequately protected from waste activity restoring a void in all areas
- Changed to give Ebenezer the same level of protection from waste activity impacts as with restoring a void – ***this appears to be the key outstanding issue that we need to discuss***
- Recognise ICC do not support Ebenezer having a lower level of protection (adequately protected) and not being strong enough compared to Swanbank
- Maintains council policy approach to protect residential areas with highest likelihood of being impacted – Swanbank
- Aligns with State plan making guidance to not be a prohibition instrument
- Enables a development application to be made and assessed

Code section 2 (c) (waste activities in Ebenezer) code outcomes:

- Consistent with council resolved TLPI intent for landfill in Ebenezer
- Incorporates outcomes from existing Ministerial TLPI for waste activities
- Drafting error removed in relation to landfill and composting, which DSDILGP initially added to make consistent with how landfill was being referenced in Swanbank- ***this may possible be an outstanding issue for ICC, but has been resolved through drafting refinements***

Restoring a void

- Maintain council resolved TLPI position for all areas

Resource recovery facilities

- ICC comments indicated that they do not want provision for resource recovery to be added as co-located with landfill as may be considered to be supporting a landfill
- However DSDILGP sought to retain resource recovery facilities as per council resolved TLPI but adjusted wording to enable assessment – so this is not a new provision and aligns with ICC’s original policy intent.
- Aligns with council policy intent to promote resource recovery
- All waste activity provisions apply to resource recovery whether standalone use or combined with other uses

Code SO11 (ICC resolved provision for changes and expansion to waste activities and restoring a void), DSDILGP:

- Deleted SO11 and addressed through other SOs or code outcome statements
- Council version provision on restoring a void (adequately protected) overall outcome (adequately protected)
- Maintained council policy intent through other SOs and outcome statements
- Removed reference to community impacts because subjective and not measurable

Code S010 (ICC version)

- Amended because an SO can’t cross reference to other SOs and needs to be self-contained
- Maintain council position for improved environmental management measures

We should discuss prior to your briefing.

Attached also to support your review:

- Highlight version of issues in current TLPI
- Comparison table - TBA
- Ministerial led TLPI
- Council resolved TLPI

Regards,

[Redacted signature box]



[Redacted name box]

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

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

Regards



[Redacted name box]

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

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[statedevelopment.qld.gov.au](http://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.*



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## Summary of changes: Existing TLPIs and Proposed Ministerial TLPI

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Short title</b>			
TLPI title: Waste Activity Regulation.	Change to: Resource Recovery and Waste Activity Regulation.	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To reflect the changed focus of the TLPI, as the code also regulates resource recovery facilities.</li> </ul>
<b>Background</b>			
Does not include a background section.	Includes a background section containing: <ul style="list-style-type: none"> <li>history and need for TLPI's</li> <li>includes a statement on the planning challenge in Ipswich that is presented by waste.</li> <li>focuses on matters that can be regulated by the TLPI</li> <li>includes an item titled 'the planning challenge'</li> <li>includes background on emerging Energy from Waste (EfW) technology and associated planning challenge.</li> </ul>	New  (reflects policy intent)	<ul style="list-style-type: none"> <li>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.</li> <li>To provide context and background to the community on planning issues and need for a single TLPI that provides regulation for waste activities.</li> <li>Waste generation cannot be regulated by the TLPI, but waste activities can.</li> </ul>
<b>Overview</b>			
This section outlines what the TLPI seeks to do, through three short statements.	Changes to: <ul style="list-style-type: none"> <li>acknowledge the Waste and Resource Management Hierarchy</li> <li>acknowledge the role that waste activities play as critical infrastructure and the need to focus on impacts on the environment</li> <li>state the TLPI seeks to balance land use, economic, social and environmental interests in TLPI Boundary</li> <li>includes reference to new mapping (i.e. Figure 1: TLPI Boundary).</li> </ul>	Amended  (code drafting)	<ul style="list-style-type: none"> <li>Removes duplication.</li> <li>To acknowledge emerging EfW technologies and associated planning challenges for Ipswich.</li> <li>Provides connection to the Queensland Government's Waste and Resource Management Hierarchy (new state government position).</li> </ul>
<b>Purpose of TLPI</b>			
This section outlines the purpose of the TLPI and how it will achieve this purpose.	This section has been modified as follows: <ul style="list-style-type: none"> <li>drafting and content changes</li> <li>clarification regarding the purpose through additional statements</li> <li>new/revised Strategic Outcomes</li> <li>outlines matters that planning decisions should seek to balance</li> <li>includes assessment benchmarks to assess EfW proposals</li> <li>re-structures the code provisions to enhance protection of residential amenity, health and environmental concerns in Swanbank</li> <li>maintains reasonable and balanced assessment benchmarks for waste activities (including landfills) in the Ebenezer/Willowbank/Jeebropilly</li> <li>improve the overall workability of the TLPI</li> <li>removes the section containing matters that planning decisions should seek to balance.</li> </ul>	Amended  (reflects policy intent)	<ul style="list-style-type: none"> <li>To better clarify the purpose, intent and outcomes sought by the TLPI.</li> <li>Introduces regulation to regulate EfW proposals in Ipswich.</li> <li>Planning decisions are determined by the planning framework set out under the <i>Planning Act 2016</i> (the Planning Act).</li> </ul>
<b>Duration of TLPI</b>			

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
This section states the TLPI effective date and currency period of the instrument.	Minor drafting change proposed which better reflects the provisions of the Planning Act in terms of duration and effect of the TLPI.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide clarity and consistency with the Planning Act.</li> </ul>
<b>Interpretation</b>			
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.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To provide further clarification regarding the interpretation of terms, and to draw reference to definitions in existing State waste and environmental legislation where not defined under the planning scheme.</li> </ul>
<b>Application of TLPI</b>			
This section identifies the geographical area of the TLPI.	Removed and consolidated into 'Effect of TLPI' section.	Amended (code drafting)	<ul style="list-style-type: none"> <li>Has been moved to next section 'Effect of TLPI' to simplify and condense drafting.</li> </ul>
<b>Effect of the TLPI</b>			
This section clarifies assessment benchmarks for the TLPI.	Changes to: <ul style="list-style-type: none"> <li>incorporate application of TLPI, including spatial area</li> <li>contains relocated content from the overview section that are relevant to the application of the TLPI.</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies spatial application of the TLPI (single, consolidated area) and reflects new maps.</li> <li>Provides clarity to the geographical area of the TLPI to reflect new maps.</li> </ul>
<b>TLPI mapping</b>			
This section includes mapping showing the TLPI boundary, waste activity area and buffer area.	Mapping to be updated to reflect single combined TLPI and has been moved to the back of the TLPI instrument.	Amended (code drafting)	<ul style="list-style-type: none"> <li>To reflect the combined single TLPI area.</li> <li>Revised mapping is reflective of: <ul style="list-style-type: none"> <li>the same geographical area</li> <li>the same buffer and activity area extents.</li> </ul> </li> </ul>
<b>Level of assessment</b>			
Code assessable <ul style="list-style-type: none"> <li>Waste activity involving rehabilitating a mining void (within the buffer area).</li> </ul>	Policy changes to expand Code assessable development as follows: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>waste activity for a resource recovery facility (both within the buffer area and the activity area)</li> <li>waste activity for a waste transfer station or facility (within the activity area).</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Makes clearer what are desirable waste activity uses within the TLPI area.</li> <li>Restoring mining voids is one of the main ICC policy objectives – this has been advanced for the TLPI area in its entirety, however the definition has changed so that it is clear these activities would only occur where there is a former mining void that is not encumbered by an active mining lease or mine rehabilitation area/plan..</li> <li>Maintain council policy position of facilitating greater recycling and reuse opportunities by resource recovery.</li> <li>Maintain council policy position on restoring a void for both buffer areas.</li> </ul>
Impact assessable <ul style="list-style-type: none"> <li>Waste activity use involving rehabilitating a mining void (within the activity area).</li> <li>Waste activity use involving landfill or compost manufacturing enclosed (within the activity area).</li> <li>Waste activity use involving compost manufacturing unenclosed – inconsistent use (within the activity area).</li> <li>Waste activity use involving energy from waste (EfW)</li> </ul>	Policy changes to: <ul style="list-style-type: none"> <li>restoring a void (both within the buffer area and the activity area)</li> <li>landfill advanced for Ebenezer</li> <li>landfill identified as an inconsistent use for Swanbank/New Chum</li> <li>new use of EfW identified as an inconsistent use</li> </ul> <p>Table has been moved to the back of the TLPI instrument.</p>	Amended	<ul style="list-style-type: none"> <li>Makes clearer what are undesirable waste activity uses within the TLPI area.</li> <li>Provides greater certainty and transparency to community and industry regarding what activities will/will not be supported.</li> <li>Restoring a void advanced for all areas.</li> <li>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.</li> <li>Sensitive use proximity for Ebenezer is considered manageable as critical and a lower threshold for landfills can be considered. Maintains the position of the existing TLPI for this area.</li> <li>Maintains existing intent to avoid unenclosed composting occurring in the TLPI areas.</li> <li>Maintain existing TLPI provisions for compost manufacturing in all areas as impact due to the high risks of adverse impacts associated with these uses.</li> <li>Advancing council position of not supporting EfW by identifying as an inconsistent use with the highest level of assessment.</li> </ul> <p><b>Subject to ongoing monitoring of:</b> Compost manufacturing provisions – specifically regarding development assessment for unenclosed systems and hybrids of both unenclosed/enclosed (i.e. in-vessel composting systems).</p>
Other <ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	Unspecified uses <ul style="list-style-type: none"> <li>Uses not subject to the TLPI revert to the planning scheme.</li> </ul>	Amended (minor drafting)	<ul style="list-style-type: none"> <li>Change merely confirms how TLPIs operate.</li> </ul>



SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<b>Waste activity code</b>			
<b>Sections 1 and 2 (States the what the code is and Compliance with the Code)</b> <ul style="list-style-type: none"> <li>Procedural sections identifying the code.</li> <li>States if development complies with the assessment benchmarks it complies with the code.</li> </ul>	Changes to: <ul style="list-style-type: none"> <li>combine sections</li> <li>clarify that consistent development would be assessed against the assessment benchmarks, purpose and overall outcomes of the entire code</li> <li>clarify that inconsistent development would be assessed against the purpose and overall outcomes of the code, and the purpose of the TLPI</li> <li>addition regarding SO's for each area (Table 4.1).</li> </ul>	Amended (code drafting)	<ul style="list-style-type: none"> <li>Clarifies what aspects of the code inconsistent development would be assessed against and therefore advances the decision making hierarchy under the Planning Act.</li> </ul>
<b>Section 3 (purpose and overall outcomes)</b> <ul style="list-style-type: none"> <li>States new or expanded waste activities inconsistent with the code are undesirable and unlikely to be approved.</li> <li>Lists various amenity and impact avoidance outcomes for waste activities.</li> </ul>	Now Section 2, changes to: <ul style="list-style-type: none"> <li>expands this section to include new purpose and overall outcomes for sensitive receiving uses, regional business areas and restoring former mining voids</li> <li></li> <li>overall outcomes for Waste Activities in Swanbank/New Chum are proposed</li> <li>overall outcomes for Waste Activities in Ebenezer/Willowbank/Jeebropilly are proposed</li> <li></li> <li>better line of sight – purpose statements reflecting detailed code provisions</li> <li></li> <li>includes new land use outcomes for regional business areas</li> <li>lists various amenity and impact avoidance outcomes for waste activities</li> <li>seeks to establish a clear position that landfills are managed to avoid adverse impacts and new or expanded proposals are not supported</li> <li>expresses a preference to avoid unenclosed composting occurring in the TLPI areas</li> <li>includes new amenity protection outcomes for sensitive receiving uses</li> <li>new EfW purpose statements added</li> <li>specific overall outcomes</li> </ul>	New and Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Section has been re-drafted and expanded from the existing TLPI to provide much more detail and removal of duplication.</li> <li>New purpose and overall outcomes are aligned with different scenarios (such as new uses or expansion of existing uses).</li> <li>Maintains existing amenity protection outcomes but places increased emphasis on them.</li> </ul>
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"> <li>Code drafting table has been added to confirm how to apply specific outcomes for various development types or development in certain areas.</li> </ul>
<b>Section 4 (specific outcomes and probable solutions)</b> <ul style="list-style-type: none"> <li>Outcomes listed as numbered sections</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activities rehabilitating former mining land.</li> <li>Outcomes for earthworks associated with waste activities.</li> </ul>	<ul style="list-style-type: none"> <li>Outcomes contained in a code table as per planning scheme.</li> <li>Outcomes identifying what uses are consistent and inconsistent within the buffer and activity areas.</li> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> <li>New outcomes for earthworks associated with waste activities.</li> <li>New outcomes for how waste activities are undertaken.</li> <li>Code drafting to include sign posting and reduce duplication</li> </ul>	New / Amended (policy intent, code drafting)	<ul style="list-style-type: none"> <li>Specific outcomes structured in a table to align with department plan making and code drafting.</li> <li>New outcomes are more detailed than the existing TLPI but largely align with the same outcomes and their objectives.</li> <li>New outcomes for restoring a void, as existing TLPI provisions are combined with a waste activity do not provide for a standalone use.</li> <li>New outcomes for earthworks associated with waste activities recognising that works may need to extend above pre-mining ground level in certain instances.</li> <li>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.</li> <li>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.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
<ul style="list-style-type: none"> <li>Outcomes for waste activity operational impacts (buffers, drainage etc.).</li> </ul>	<ul style="list-style-type: none"> <li>Greater line of sight to purpose statement and code provisions</li> <li>Advancing and strengthening council policy intent where appropriate</li> </ul> <p>EfW:</p> <ul style="list-style-type: none"> <li>include assessment provisions for EfW</li> <li>new specific outcome included on separation between any activity and existing/planned sensitive uses</li> <li>new specific outcome included to addressing the form/size/scale of any activity</li> </ul> <p>Restoring a void:</p> <ul style="list-style-type: none"> <li>new outcomes to provide for this use to occur in all areas</li> <li>new outcomes enabling this to occur as a standalone use and not combined with another activity</li> </ul> <p>Resource recovery:</p> <ul style="list-style-type: none"> <li>new outcomes to apply to resource recovery facilities as a waste activity type</li> <li>new outcomes to require landfill proposals to include resource recovery</li> </ul> <p>Landfill:</p> <ul style="list-style-type: none"> <li>establish a clear position that landfills for the disposal of waste material are managed to avoid adverse impacts and are not supported.</li> <li>new outcomes for landfills for Swanbank/New Chum identifying as undesirable</li> <li>new outcomes for landfills for Ebenezer</li> </ul> <p>Composting:</p> <ul style="list-style-type: none"> <li>outcomes as per existing TLPI</li> </ul>		<ul style="list-style-type: none"> <li>New outcome for resource recovery to require co-location with landfills to encourage waste recycling and re-use.</li> <li>Minor change to the existing TLPI landfill provisions for Swanbank to improve workability</li> <li>Maintain existing TLPI composting provisions for all areas</li> <li>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.</li> <li>Preference to maintain a level of flexibility when assessing composting applications, based on individual merits and impacts to sensitive receptors etc.</li> </ul> <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>
<b>Definitions</b>			
<p>Defines Waste Activity and the various uses regulated by the TLPI.</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to accord with State legislation, including the following amended definitions:                             <ul style="list-style-type: none"> <li>Clean earth</li> <li>Compost manufacturing enclosed and unenclosed</li> <li>Landfill</li> <li>Restoring a void (formerly rehabilitating a mining void)</li> <li>Waste Activity</li> </ul> </li> <li>Various definitions have been revised to accord with State legislation, including the following new definitions:                             <ul style="list-style-type: none"> <li>Anaerobic digestion</li> <li>Composting</li> <li>Organic material</li> <li>Organic waste</li> <li>Enclosed system</li> <li>Feedstock</li> <li>Finished product</li> </ul> </li> </ul>	<p>Amended</p> <p>(supports expanded policy intent)</p>	<ul style="list-style-type: none"> <li>Various definitions have been revised to provide further clarity and to ensure transparency.</li> <li>EfW definition included as per the DES June 2020 Energy from Waste Policy definition. Definition scope kept very broad instead of restricting the scope to focus on certain activity types.</li> <li>To ensure consistency with existing mining and environmental frameworks.</li> <li>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.</li> <li>Maintains landfill and compost manufacturing as regulated uses.</li> <li>Inclusion of resource recovery facility as a regulated use.</li> </ul>

SUMMARY OF CHANGES		ASSESSMENT OF EXISTING TLPIs VERSUS PROPOSED MINISTERIAL TLPI	
Existing TLPIs	Proposed Ministerial TLPI	Type of change	Rationale for the changes
	<ul style="list-style-type: none"> <li>- Regulated Activity Area and Regulated Buffer Area</li> <li>- Resource Recovery Facility</li> <li>- Top of Void</li> <li>- Sensitive Receiving Use</li> <li>- TLPI boundary</li> <li>- Void</li> <li>- Energy from Waste (EfW)</li> </ul> <ul style="list-style-type: none"> <li>- Maintains landfill and compost manufacturing as regulated uses.</li> <li>- Inclusion of resource recovery facility as a regulated use.</li> </ul> <p>Has been moved to the back of the TLPI instrument.</p>		
<i>NA – does not address Energy from Waste</i>	Policy changes to include a definition for Energy from Waste facility.	New	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
Rehabilitating a mining void	<p>New definition of Restoring a void.</p> <p>New definition clarifies that:</p> <ul style="list-style-type: none"> <li>• filling of such voids can only occur if involving only clean earth (i.e. not landfill)</li> <li>• only apply to former mining voids that are not encumbered by a mining lease or mine rehabilitation area/plan.</li> </ul>	New  (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• Stronger regulation required in Swanbank/New Chum to protect community amenity and environmental impacts.</li> <li>• 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.</li> </ul>
Composting definitions (both enclosed and unenclosed operations). Definition of finished product.	<p>Amended definitions expanded to include explanatory provisions aligning with Environmental Protection Regulation 2019 and Department of Environment and Science advice, as follows:</p> <ul style="list-style-type: none"> <li>• additional provisions included to define certain terms (e.g. anaerobic digestion)</li> <li>• removes 200t threshold from definition (new section included in Effect of TLPI section specifying domestic composting is not subject to TLPI)</li> </ul>	Amended  (clarifying and expanding policy intent)	<ul style="list-style-type: none"> <li>• New section included within Part 2 specifying domestic composting is not subject to TLPI.</li> <li>• Aligns with ICC consultation and council preference to maintain a level of flexibility when assessing composting development applications to enable a decision based on individual merits and impacts to sensitive receptors etc.</li> <li>• 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.</li> </ul>
No definition for 'top of a void' included.	Adds a new definition for top of a void proposed, as well as a graphic to support interpretation.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this is used in the TLPI.</li> </ul>
No definition included for 'resource recovery facility' (term is not used).	Adds a new definition for resource recovery facility proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout TLPI.</li> </ul>
No definition included for 'sensitive receiving uses'.	Adds a new definition for sensitive receiving uses proposed.	New	<ul style="list-style-type: none"> <li>• To provide clarification where this term is used throughout the TLPI</li> </ul>

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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**

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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:
    - (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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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)

**Commented [ND1]:** ICC fundamentally do not support this being limited Swanbank.

Department do not support provision applying to whole TLPI boundary. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

**Commented [ND2]:** ICC do not support on the basis that the provision is not high enough protection for waste activities such as landfills.

Department do not support 'entirely protected' provision for Willowbank area. Proposed provisions sufficiently address the policy considerations around waste activities within each area.



- 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. 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 and minimises a high standard of amenity by minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.

**Commented [ND3]:** ICC viewed original drafting as problematic – appears to be a move to support both landfill and indoor composting under (c).

**Commented [ND4]:** Original clause (ii) omitted (landfill or composting manufacturing enclosed occur only in the regulated activity area) based on ICC feedback.

**Commented [ND5]:** Retained. Content consistent with the existing Mins TLPI.

**Commented [ND6]:** ICC does not support inclusion.

Retained. Consistent with content in ICC resolved TLPI under overall outcomes and specific outcomes.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	

**Commented [UM7]:** ICC comments sought provisions for restoring a void be retained across the whole TLPI Boundary (draft previously limited this to Swanbank/New Chum).

DSDILGP have applied provisions across all areas in TLPI Boundary for restoring avoid in response to ICC comments.

Column 1 Specific Outcomes	Column 2 Probable Solutions
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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	
<b>Waste Activities (Landfill)</b>	
(10) 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

**Commented [UM8]:** ICC resolved version contained a provision for changed or expanded restoring a void, as follows:

INSERT

DSDILGP omitted on the basis that:

- Provisions for waste and restoring a void had to be split in order to be workable – the policy intent has been carried forward in multiple other SO's and purpose statement.
- Have provided self-contained provision for Top of Void (SO14)
- Concerns regarding how measurable 'community impacts' is. DSDILGP preference was for sensitive receiving uses to be the defined term for where are measured.

**Commented [UM9]:** This provision was the ICC resolved TLPI. DSDILGP have advanced the provision with improvements.

ICC have raised concerns that the provision would support landfill where the RRF is co-located.

DSDILGP have retained on the basis that provisions are required to sufficiently assess applications that include this use.

ICC raised a question of interpretation for standalone RRFs. This provision wouldn't apply to a standalone RRF, however – standalone RRFs would be subject to waste activity assessment provisions – generally. So DSDILGP are satisfied this is not a risk.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) 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
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
(16) Waste Activities or Restoring a Void are designed, operated and maintained to: (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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems.</p>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.</li> </ul>	<p>No probable solution provided</p>

**Commented [UM10]:** DSDILGP removed inter-SO referencing for best practice code drafting / bounded assessment.

ICC comment queried if benchmark was now unclear.

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [UM11]:** Has been expanded throughout TLPI Boundary

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
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.”

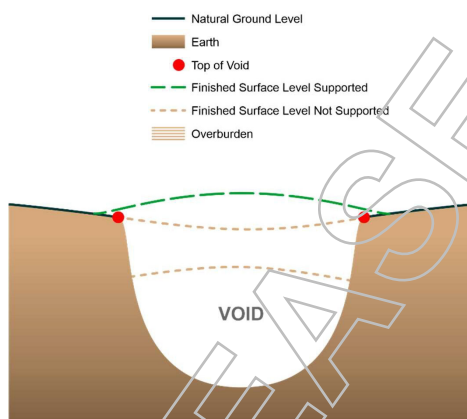
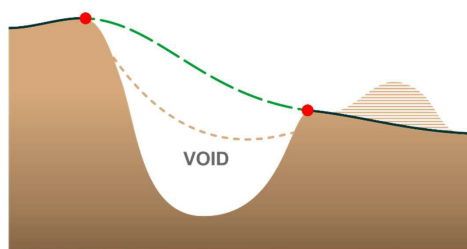
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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.

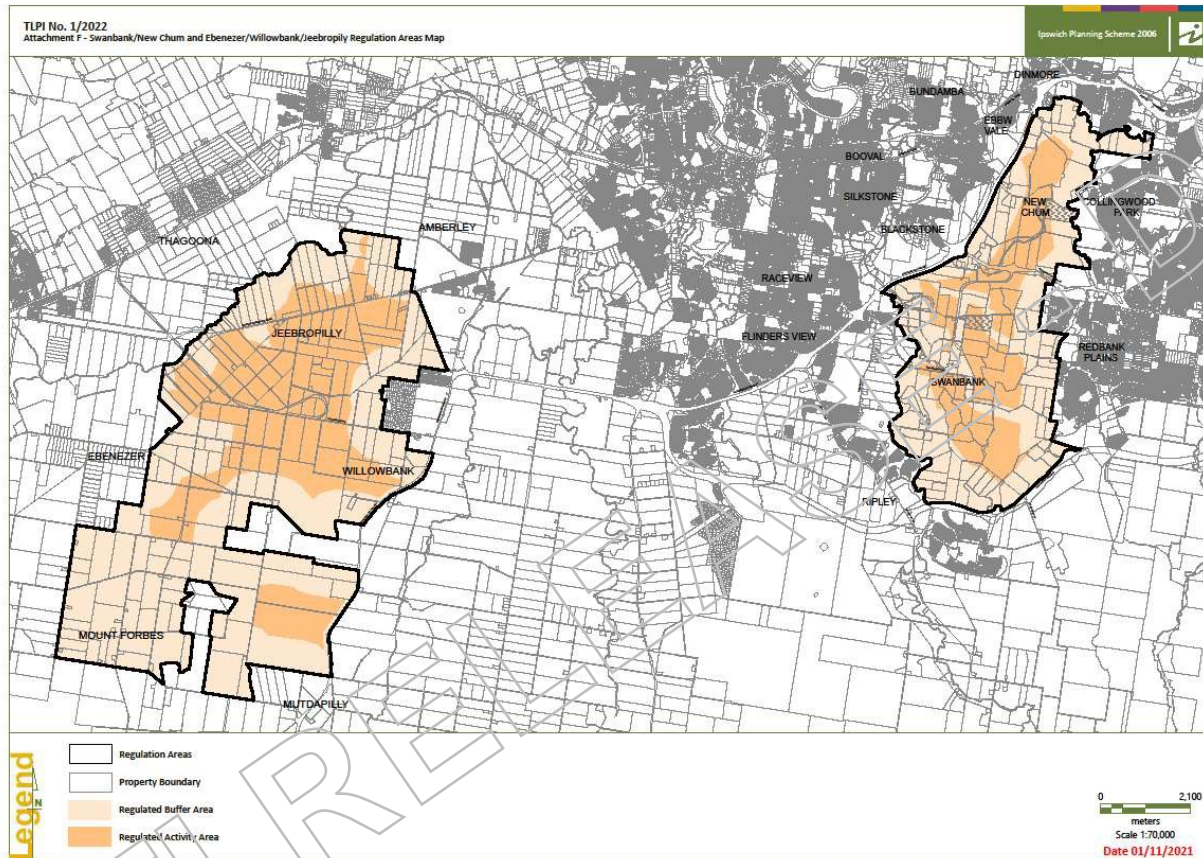
- 8.11 **“Sensitive Receiving Uses”** include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).
- 8.12 **“Top of a Void”** means the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”; and
  - any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

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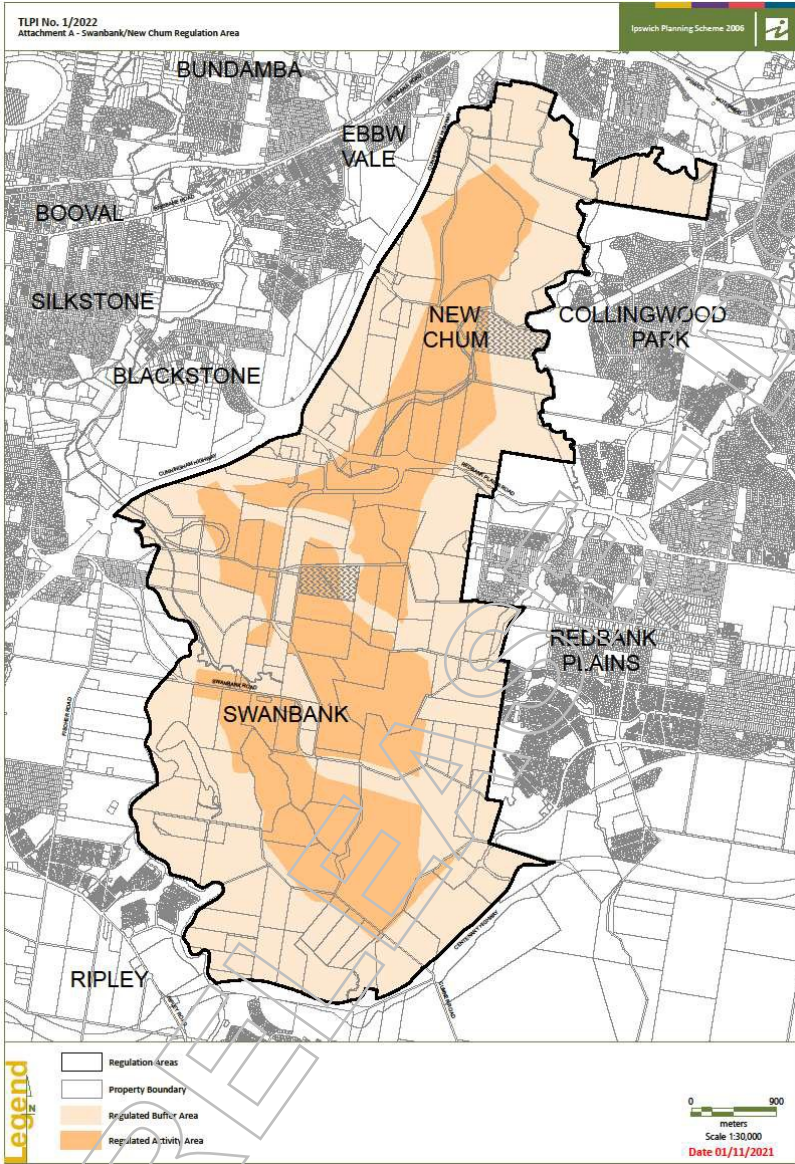
**FIGURE 1: TLPI BOUNDARY**



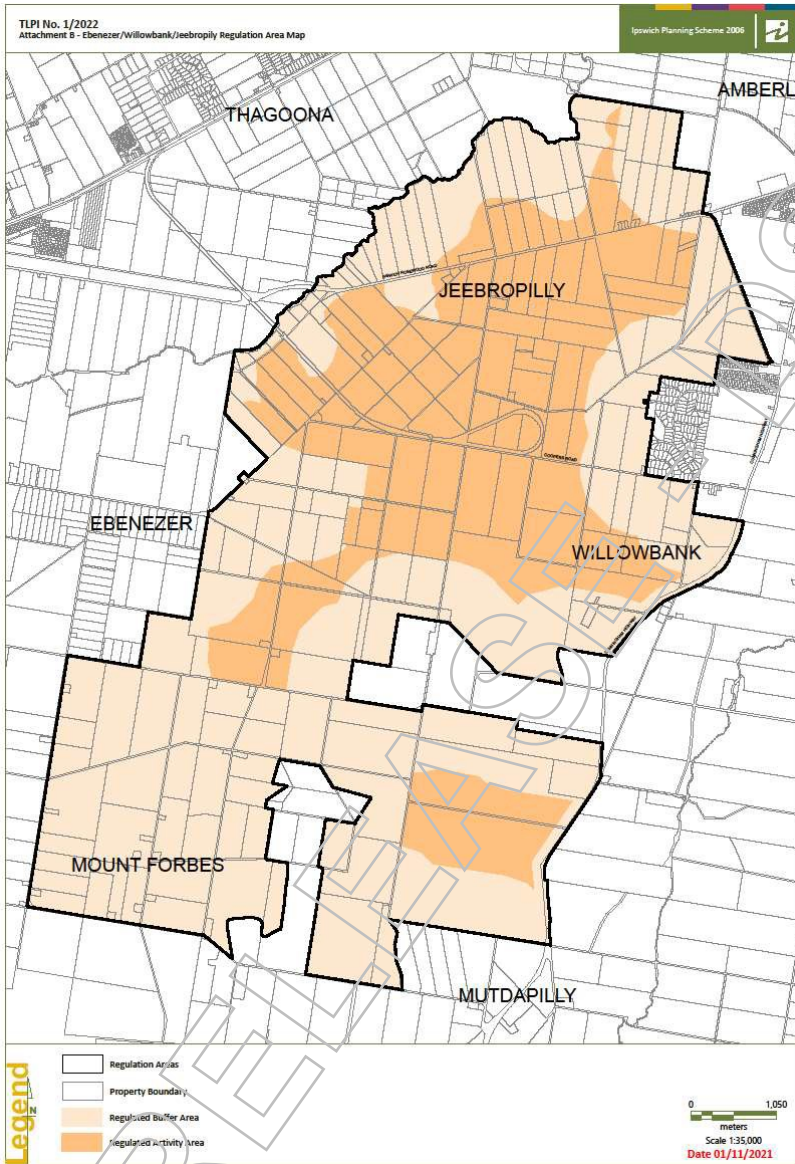
**Commented [BD12]:** Note the plans themselves have titles that differ from what's now in the document.

**Commented [U13R12]:** FOR UPDATING – AWAITING CLEAN MAP PACKAGE FROM COUNCIL

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022  
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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.

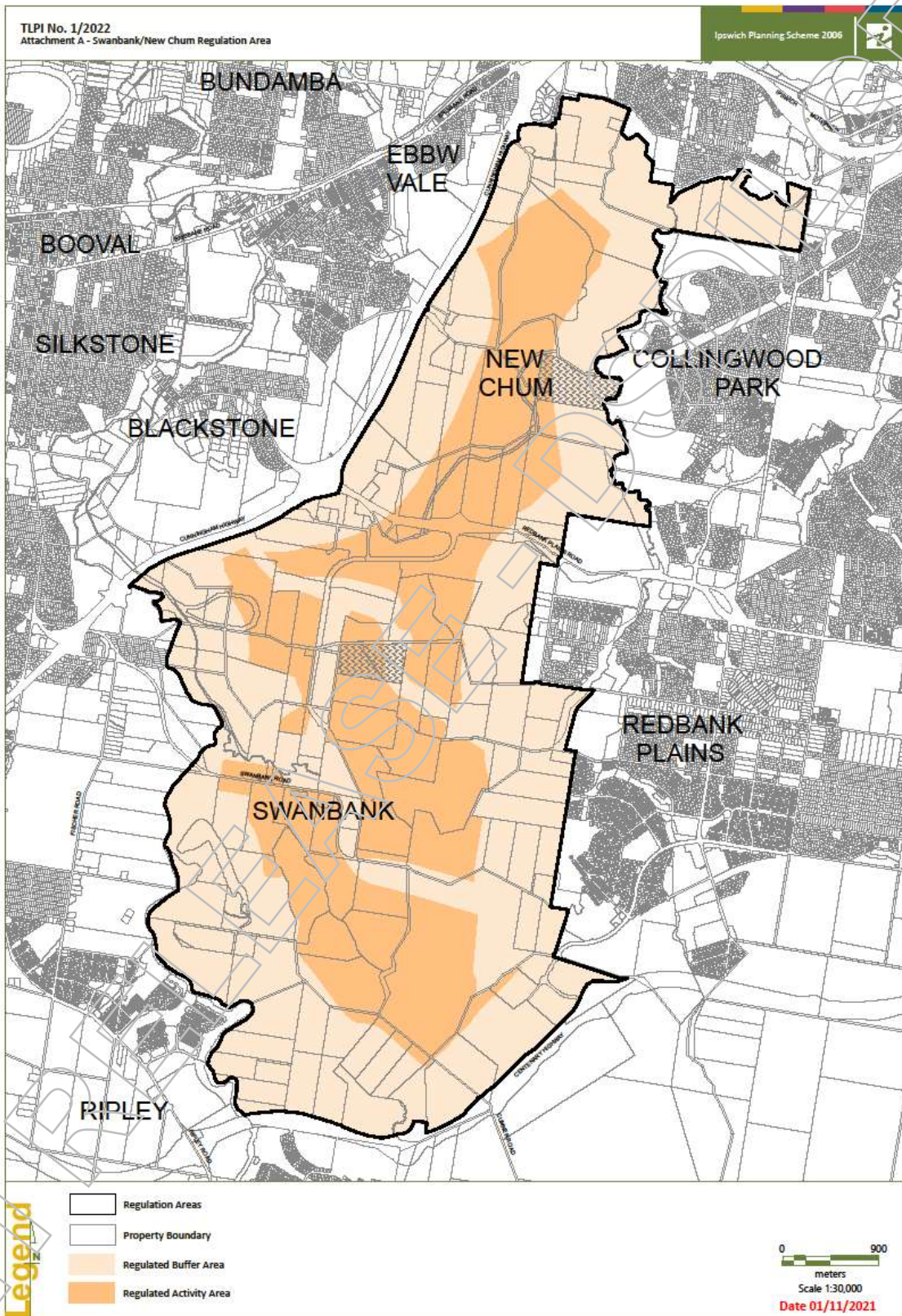
#### **PART 6 – APPLICATION OF THE TLPI**

- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

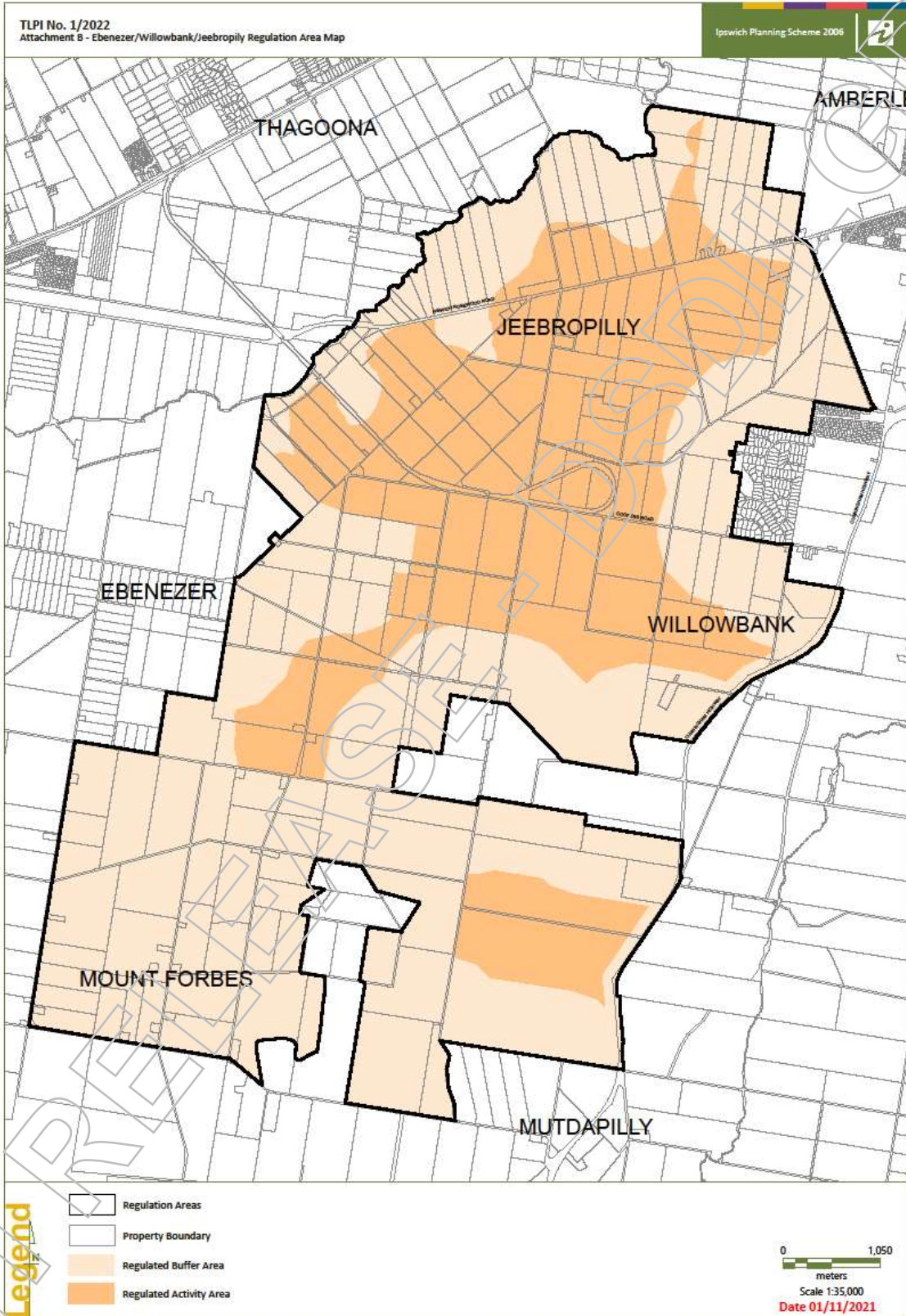
#### **PART 7 – EFFECT OF THE TLPI**

- 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
<b>(1)</b> The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
<b>(2)</b> The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> <li>(a) does not have any adverse impact on Sensitive Receiving Uses; or</li> </ul>	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.	
<b>(3)</b> 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
<b>(4)</b> 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
<b>(5)</b> 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
<b>(6)</b> 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"> <li>(g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and</li> <li>(h) implements and maintains best practice minimisation and management of adverse impacts at all times.</li> </ul>	
<p><b>(7)</b> Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> <li>(a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials;</li> <li>(b) for Landfill, use Clean Earth in priority to the importation of waste;</li> <li>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</li> <li>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</li> <li>(e) ensure that fill materials are compacted to the maximum extent possible.</li> </ul>	No probable solution provided
<p><b>(8)</b> Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> <li>(a) provides a necessary stormwater management function;</li> <li>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</li> <li>(c) does not exceed a maximum gradient of 5%.</li> </ul> <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><b>(9)</b> Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance;</li> <li>(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;</li> <li>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(e) where possible, improves the quality of nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</li> <li>(m) where possible, avoids complex and technical management systems.</li> </ul>	
<p><b>(10)</b> 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"> <li>(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;</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(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.</li> </ul>	
<p><b>(11)</b> Changed or expanded Waste Activities or Restoring a Void:</p> <ul style="list-style-type: none"> <li>(a) must demonstrate that improved amenity, environmental and community outcomes will be achieved;</li> <li>(b) avoid all detrimental amenity, environmental or community impacts; and</li> <li>(c) do not result in filling beyond the Top of a Void, except as provided for in Specific Outcome 8, above.</li> </ul>	No probable solution provided
<p><b>(12)</b> 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"> <li>(a) the diversion of the waste stream entering the site to: <ul style="list-style-type: none"> <li>(i) increase the re-use, recycling and recovery of waste resources; and</li> <li>(ii) a reduction in demand for Landfill.</li> </ul> </li> </ul>	No probable solution provided

**ATTACHMENT D: Table 1 – Table of Assessment and Relevant Assessment Criteria**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>USES IN THE REGULATED BUFFER AREA</b>		
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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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
<b>UNSPECIFIED USES</b>		
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.

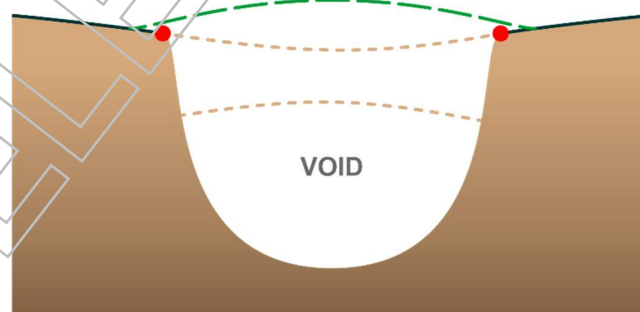
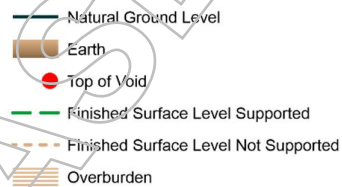
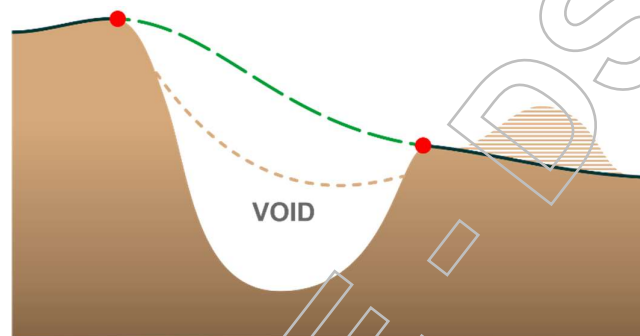
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means–
- (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.

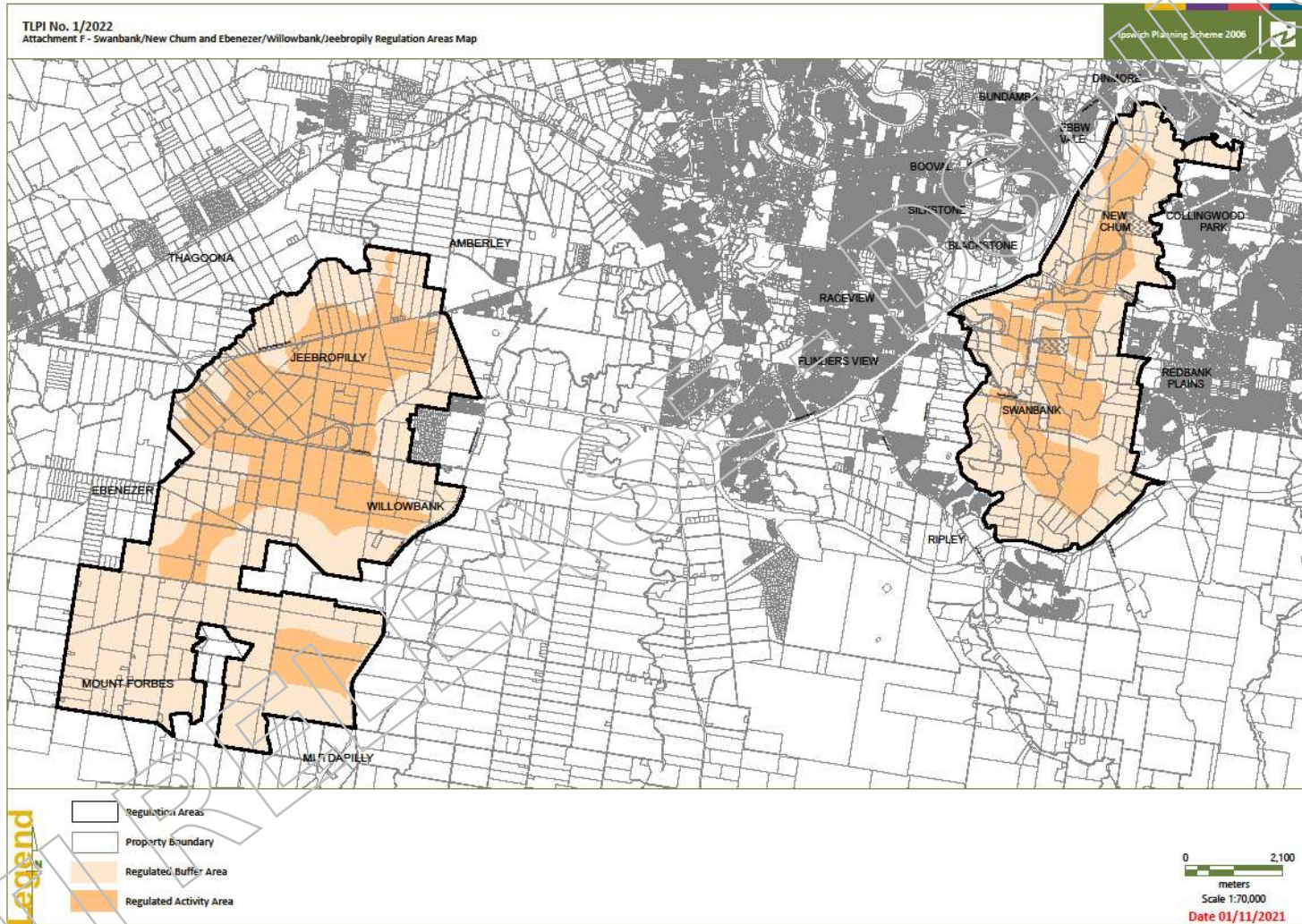
8.14 **“Waste Activity”** means—



- (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.

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ATTACHMENT F: TLPI BOUNDARY



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

## Ipswich Planning Scheme 2006

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### 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–

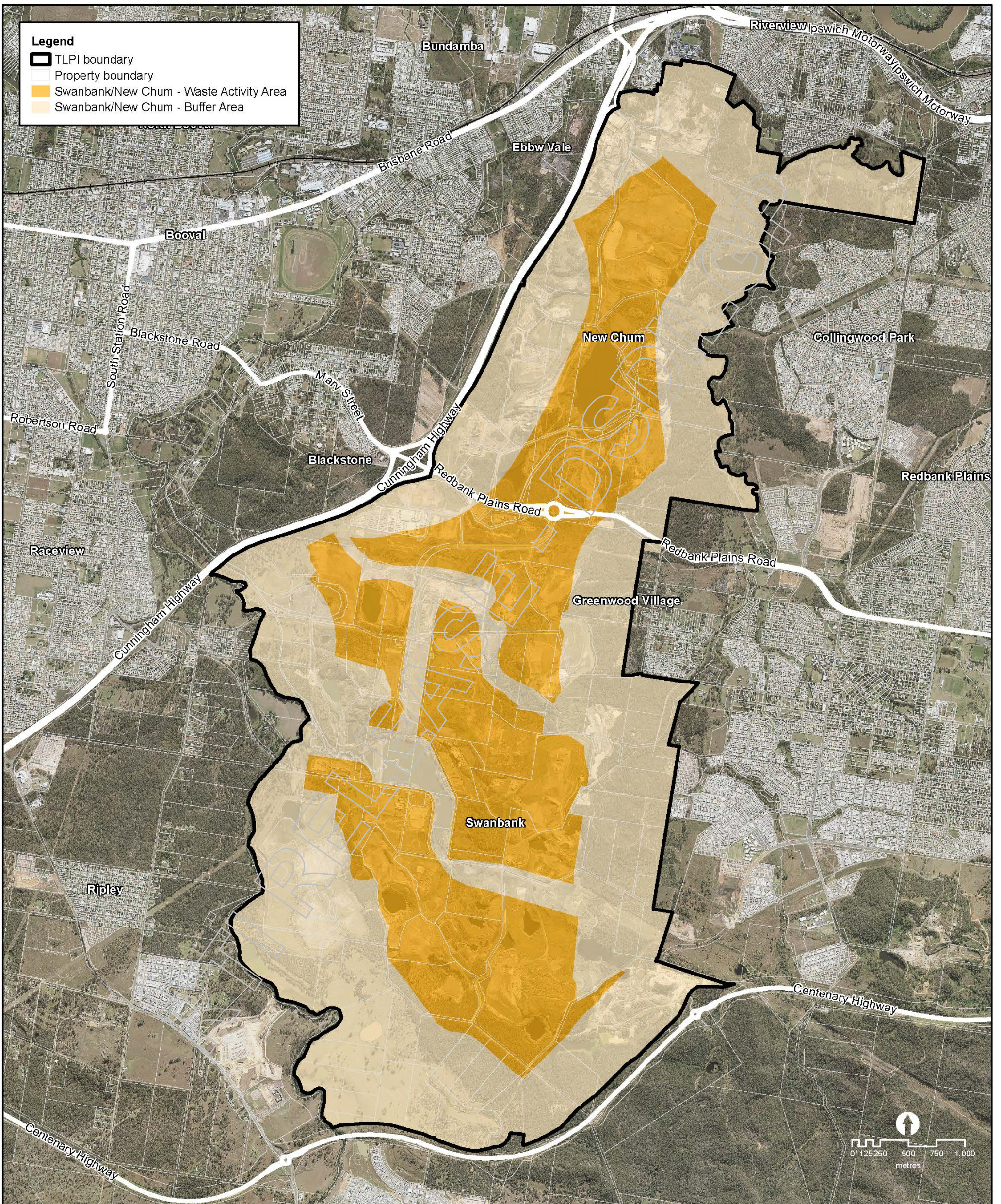
- (a) the filling of a mining void involving only ‘clean earthen material’.

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*

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## 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
<b>SWANBANK / NEW CHUM BUFFER AREA</b>		
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
<b>SWANBANK / NEW CHUM WASTE ACTIVITY AREA</b>		
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
<b>OTHER</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

**From:** [Redacted]  
**To:** [Redacted]  
**Cc:**  
**Subject:** CONFIDENTIAL: Ipswich Waste TLPI - 011221  
**Date:** Wednesday, 1 December 2021 1:58:18 PM  
**Attachments:** [Appendix D - Ipswich Waste TLPI - 011221 \(1\).docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
**Importance:** High

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Hi [Redacted]

Thanks for your time just now.

Please find attached the draft Ministerial TLPI for Ipswich waste activities.

If you have any major comments/concerns, please provide these by COB today.

Let us know if you have any questions.

Regards

[Redacted]

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

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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**

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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:
    - (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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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. 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 minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

### 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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(6) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> <li>(a) does not have any adverse impact on Sensitive Receiving Uses; and</li> <li>(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.</li> </ul>	No probable solution provided
(7) The use of premises for Restoring a Void uses: <ul style="list-style-type: none"> <li>(a) materials sourced from the premises in priority to the importation of materials from other locations; and</li> <li>(b) for any shortfall, Clean Earth.</li> </ul>	No probable solution provided
(8) 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
(9) The use of premises for a Waste Activity involving Landfill or Compost Manufacturing Enclosed: <ul style="list-style-type: none"> <li>(a) protects Sensitive Receiving Uses from adverse impacts of development;</li> <li>(b) protects and enhances existing environmental values;</li> <li>(c) improves and adds to identified green space and open space;</li> <li>(d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises;</li> <li>(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.</li> </ul>	
<b>Waste Activities (Landfill)</b>	
(10) New, changed or expanded Waste Activities involving Landfill: <ul style="list-style-type: none"> <li>(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.</li> </ul>	No probable solution provided
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) The use of premises for Waste Activities	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
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.	
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
<p>(16) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</li> <li>(k) where possible, avoid complex and</li> </ul>	<p>No probable solution provided</p>

Column 1 Specific Outcomes	Column 2 Probable Solutions
technical management systems.	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.</li> </ul>	No probable solution provided

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**ATTACHMENT B: Table of Assessment and Relevant Assessment Criteria**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed– 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

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

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## 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.”

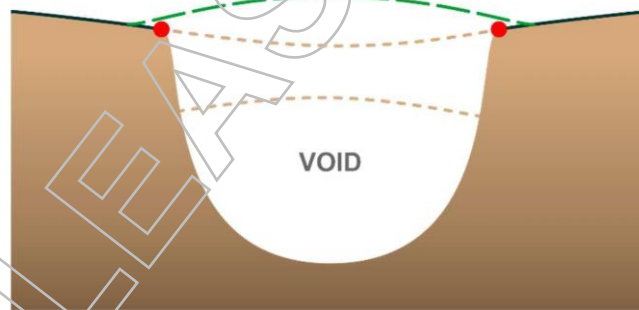
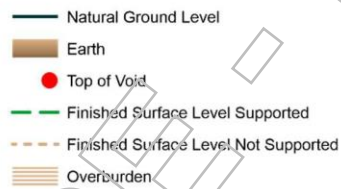
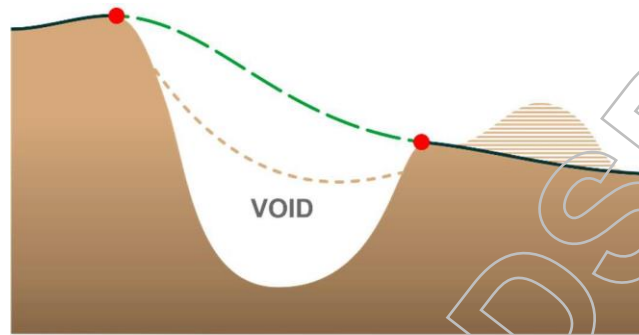
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”; and
  - any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.

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GP

FIGURE 1: TLPI BOUNDARY

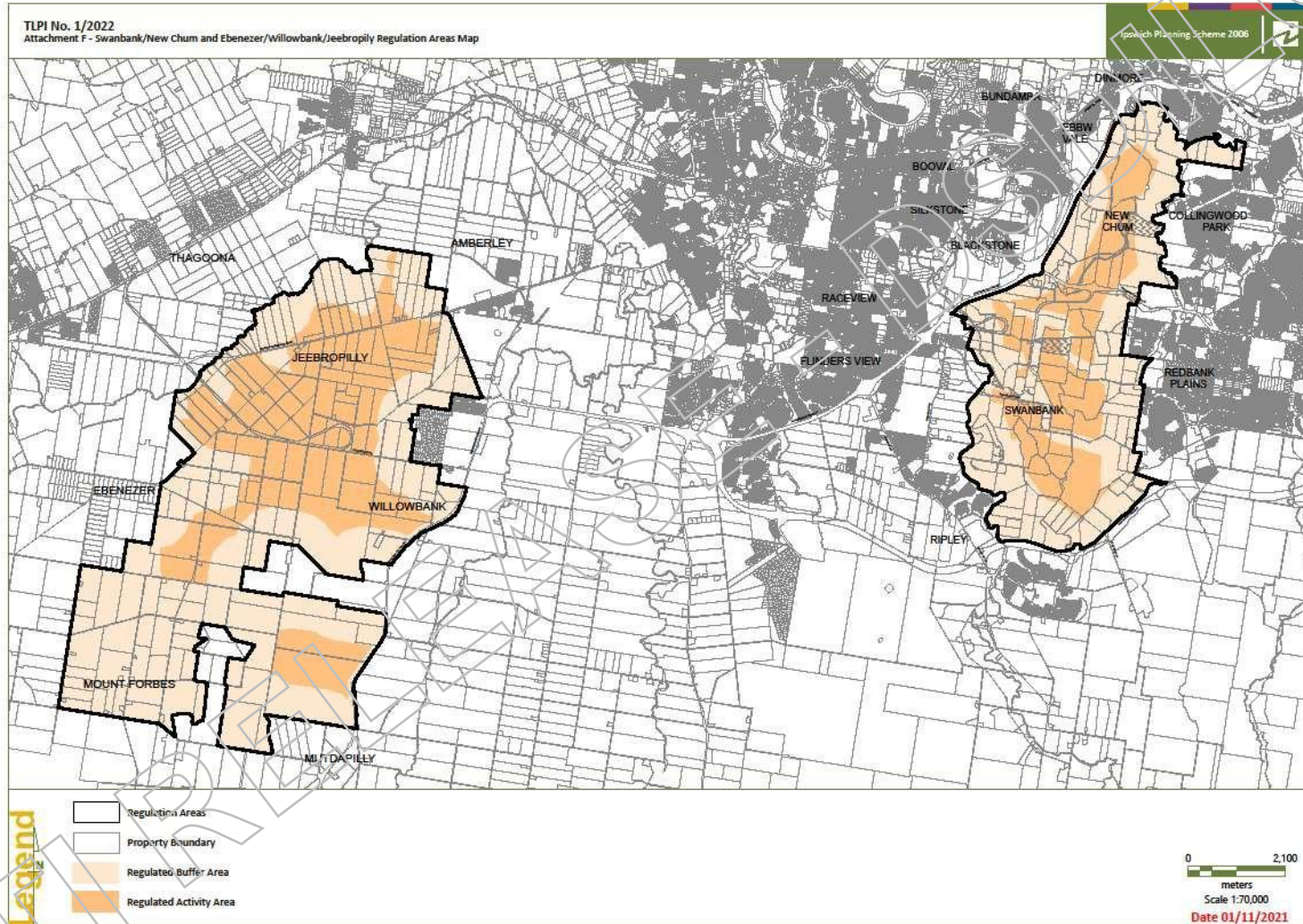
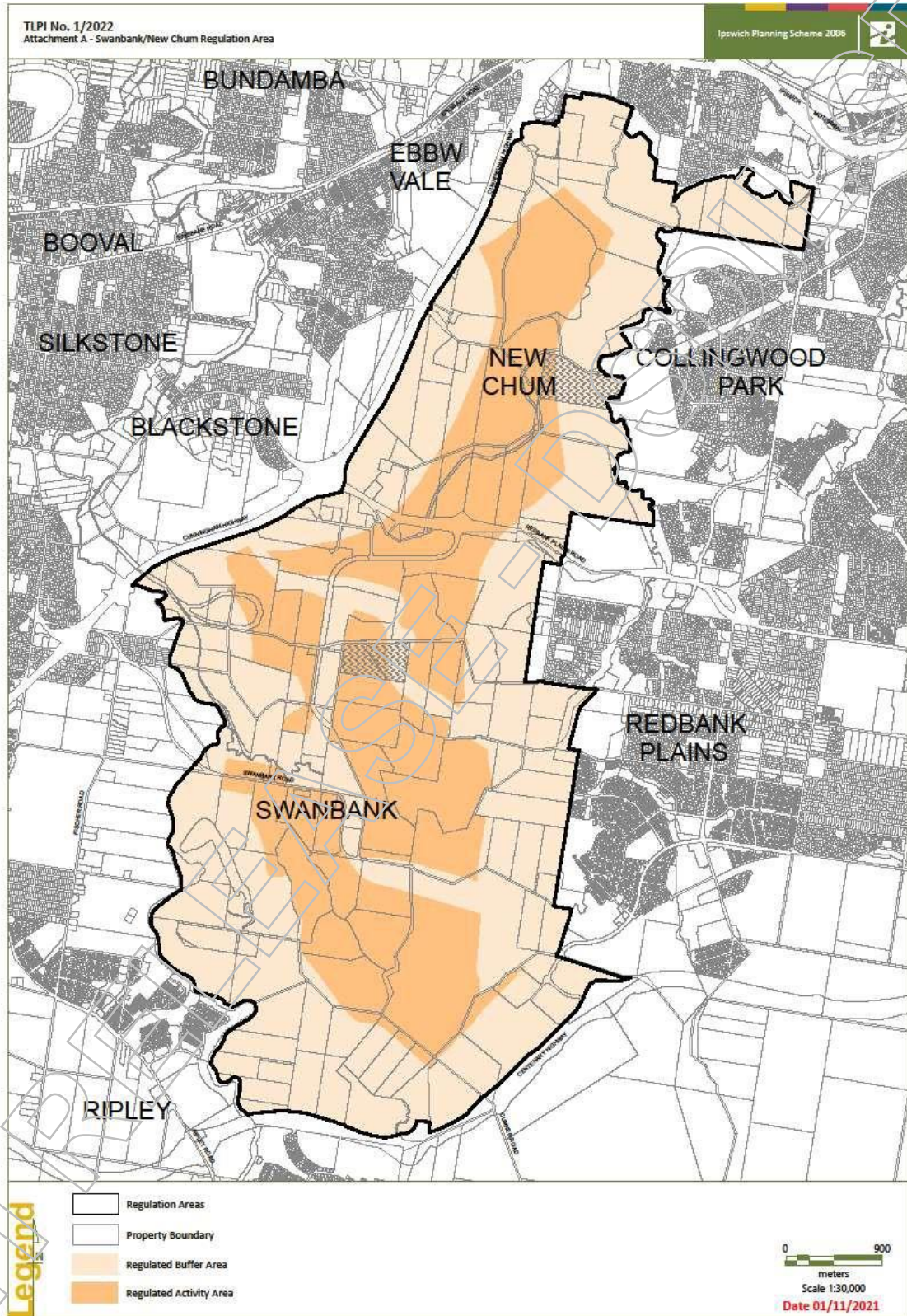
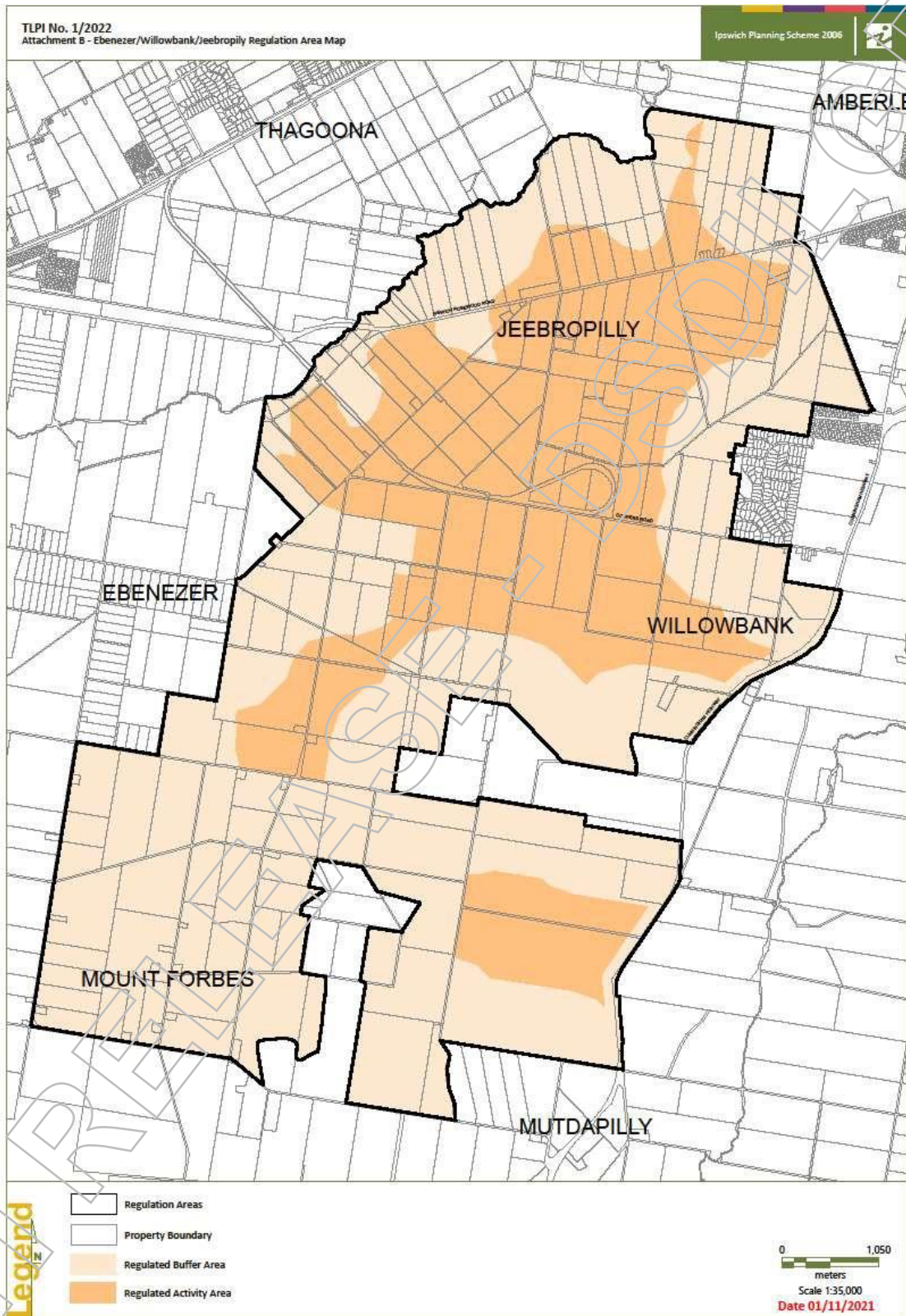


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 2:18 PM  
**To:** [Redacted]  
**Subject:** FW: Ipswich TLPITLPI dotters  
**Attachments:** Final Draft TLPI 2022 for Council Meeting 181121.pdf; Existing Min tlp-no-01-2020-waste-activity-regulation.pdf; Ipswich Waste TLPI - 011221 (for briefing) 1.15pm.docx

**Categories:** FYI

FYI



[Redacted]

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

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information

DSDILGP  
SE

**From** [Redacted]  
**Sent:** Wednesday, 1 December 2021 1:56 PM

[Redacted]

**Subject:** Ipswich TLPITLPI dotters

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All other matters raised were either addressed by DSDILGP in response to ICC comments, or were not carried forward due to fundamental code drafting (i.e. already covered elsewhere, remove duplication, workability etc).

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- Retain council resolved TLPI language for entirely protected from waste activity impact in Swanbank/New Chum
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Restoring a void

- Maintain council resolved TLPI position for all areas

Resource recovery facilities

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Code S010 (ICC version)

- Amended because an SO can’t cross reference to other SOs and needs to be self-contained
- Maintain council position for improved environmental management measures

We should discuss prior to your briefing.

Attached also to support your review:

- Highlight version of issues in current TLPI
- Comparison table - TBA
- Ministerial led TLPI
- Council resolved TLPI

Regards,





[Redacted]

Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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information

Regards



[Redacted]

Principal Planning Officer

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[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 2:27 PM  
**To:** [Redacted]  
**Subject:** TLPI Figures 1 -3  
**Attachments:** TLPI\_01\_2022\_Figure\_1.pdf; TLPI\_01\_2022\_Figure\_2.pdf; TLPI\_01\_2022\_Figure\_3.pdf

Figures attached.



[Redacted]  
Business Support Officer  
**Planning and Development Services – SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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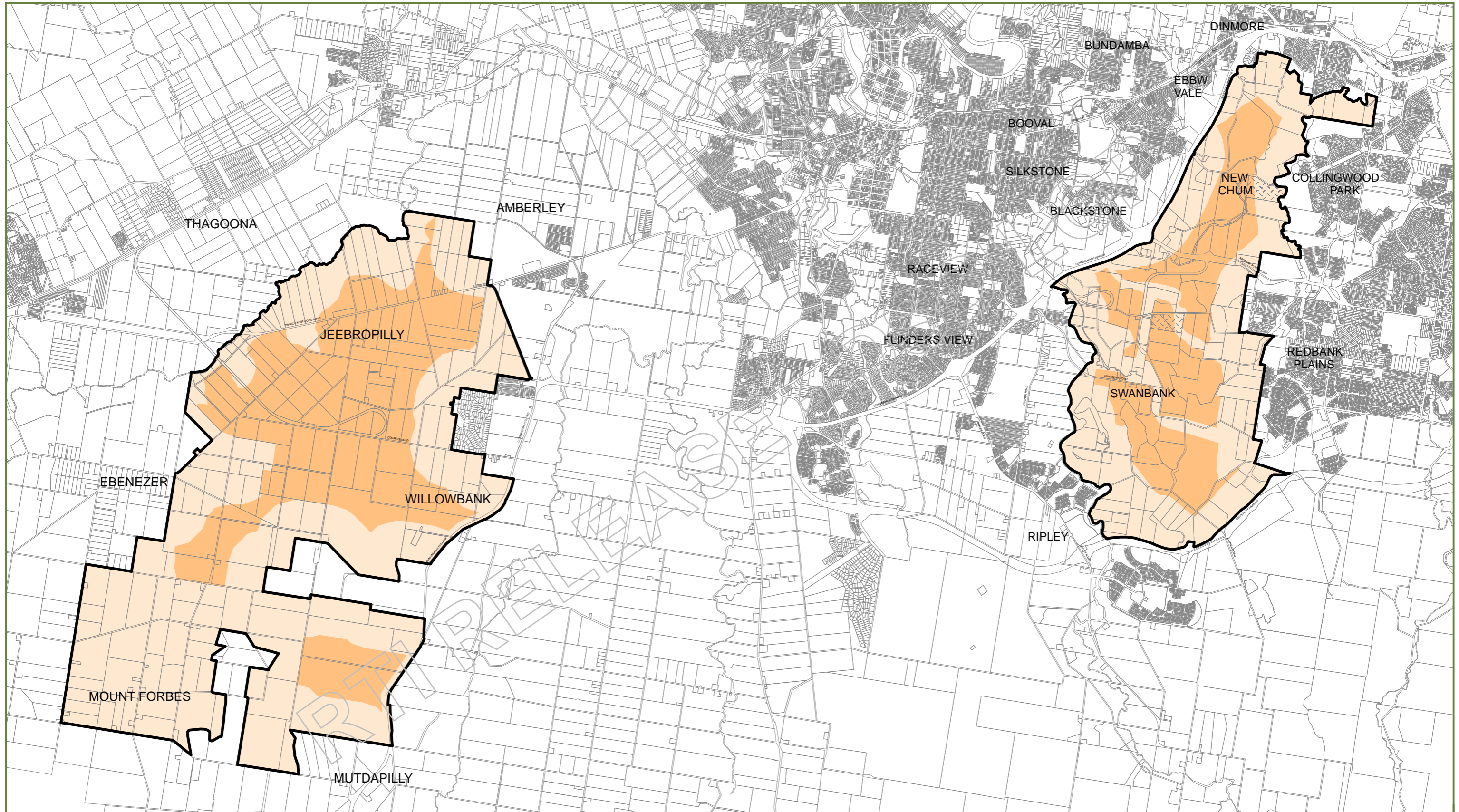
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RTI RELEASES

DSDILGP

**Figure 1 - TLPI 01/2022**  
**Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly Regulation Areas Map**

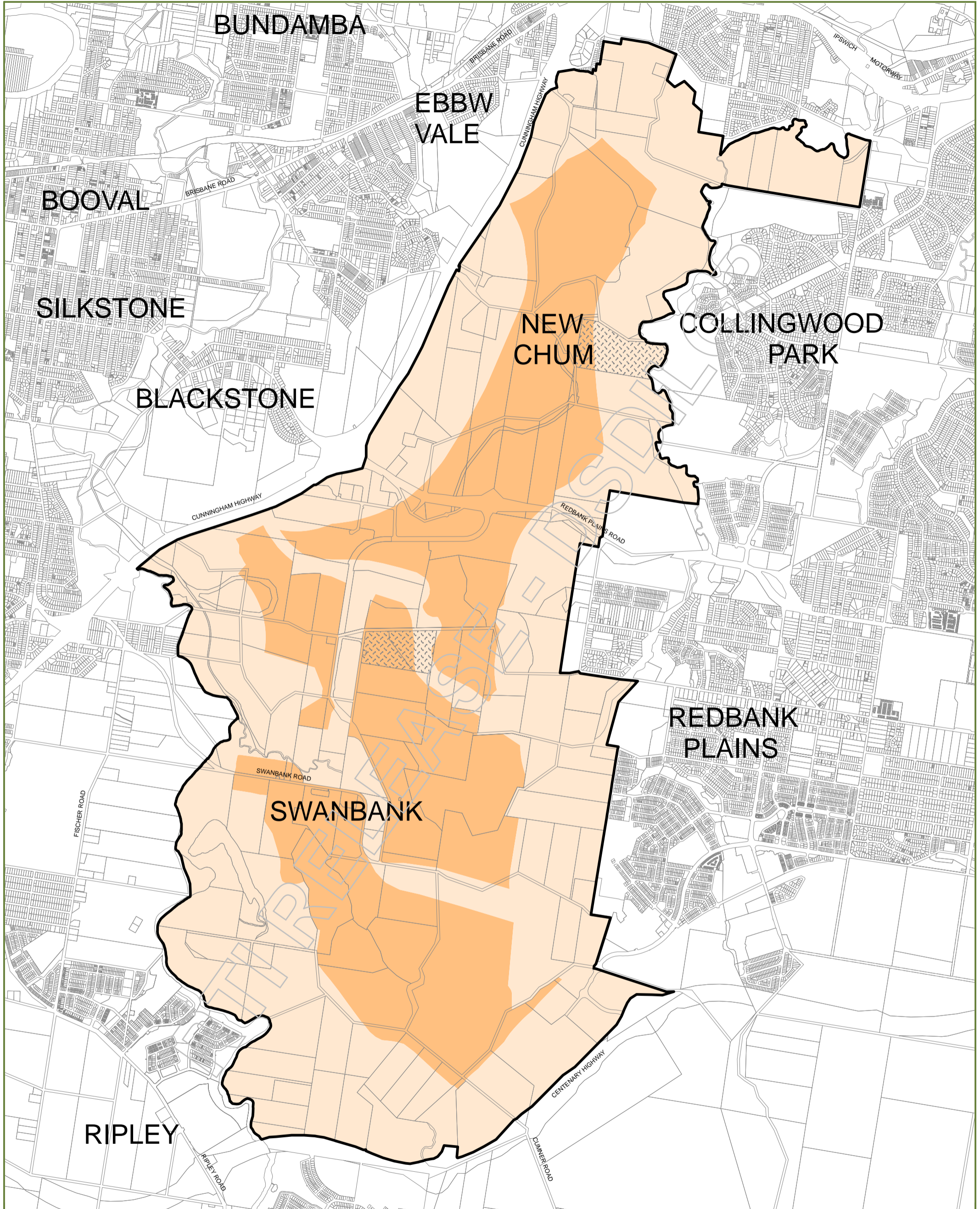


**Legend**

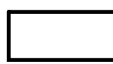



-  Regulation Areas
-  Property Boundary
-  Regulated Buffer Area
-  Regulated Activity Area

0 2,100  
 meters  
 Scale 1:70,000

**Figure 2 - TLPI 01/2022**  
Swanbank/New Chum Regulation Area



**Legend**

-  Regulation Areas
-  Property Boundary
-  Regulated Buffer Area
-  Regulated Activity Area

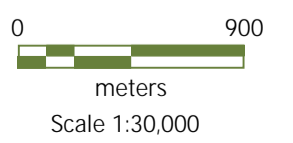
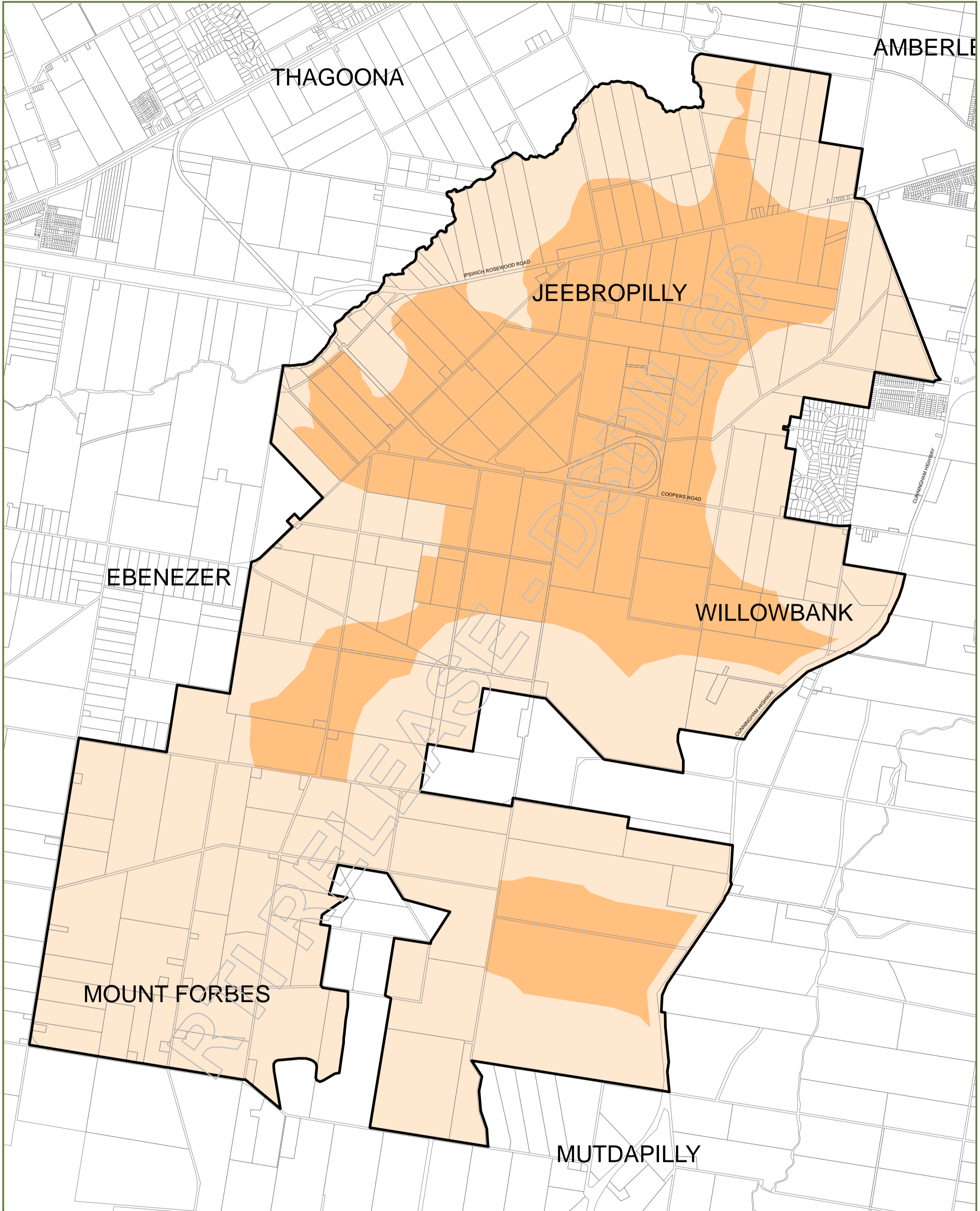


Figure 3 - TLPI 01/2022

Ebenezer/Willowbank/Jeebropilly Regulation Area Map



**Legend**

- Regulation Areas
- Property Boundary
- Regulated Buffer Area
- Regulated Activity Area

0 1,050  
meters  
Scale 1:35,000

[redacted]

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**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 2:28 PM  
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**Cc:** [redacted]  
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Hi [redacted]

For 4pm. Team briefing me now. I will catch you before 4pm to talk through.

[redacted]

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FYI



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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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**

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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:
    - (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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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)

**Commented [ND1]:** ICC fundamentally do not support this being limited Swanbank.

Department do not support provision applying to whole TLPI boundary. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

**Commented [ND2]:** ICC do not support on the basis that the provision is not high enough protection for waste activities such as landfills.

Department do not support 'entirely protected' provision for Willowbank area. Proposed provisions sufficiently address the policy considerations around waste activities within each area.

- 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. 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 ~~and minimises a high standard of~~ amenity by minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.~~

**Commented [ND3]:** ICC viewed original drafting as problematic – appears to be a move to support both landfill and indoor composting under (c).

**Commented [ND4]:** Original clause (ii) omitted (landfill or composting manufacturing enclosed occur only in the regulated activity area) based on ICC feedback.

**Commented [ND5]:** Retained. Content consistent with the existing Mins TLPI.

**Commented [ND6]:** ICC does not support inclusion.

Retained. Consistent with content in ICC resolved TLPI under overall outcomes and specific outcomes.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Waste activities within the Swanbank/New Chum regulation area	SO1 – SO4; and SO10 – SO17
Waste activities with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO5 – SO9; and SO10 – SO17

**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
<b>Swanbank/New Chum Regulation Area</b>	
(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 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; (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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area</b>	

**Commented [UM7]:** ICC comments sought provisions for restoring a void be retained across the whole TLPI Boundary (draft previously limited this to Swanbank/New Chum).  
DSDILGP have applied provisions across all areas in TLPI Boundary for restoring avoid in response to ICC comments.

Column 1 Specific Outcomes	Column 2 Probable Solutions
(5) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(6) 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
(7) 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
(8) 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
(9) 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	
<b>Waste Activities (Landfill)</b>	
(10) 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

**Commented [UM8]:** ICC resolved version contained a provision for changed or expanded restoring a void, as follows:

INSERT

DSDILGP omitted on the basis that:

- Provisions for waste and restoring a void had to be split in order to be workable – the policy intent has been carried forward in multiple other SO's and purpose statement.
- Have provided self-contained provision for Top of Void (SO14)
- Concerns regarding how measurable 'community impacts' is. DSDILGP preference was for sensitive receiving uses to be the defined term for where are measured.

**Commented [UM9]:** This provision was the ICC resolved TLPI. DSDILGP have advanced the provision with improvements.

ICC have raised concerns that the provision would support landfill where the RRF is co-located.

DSDILGP have retained on the basis that provisions are required to sufficiently assess applications that include this use.

ICC raised a question of interpretation for standalone RRFs. This provision wouldn't apply to a standalone RRF, however – standalone RRFs would be subject to waste activity assessment provisions – generally. So DSDILGP are satisfied this is not a risk.



Column 1 Specific Outcomes	Column 2 Probable Solutions
<b>Waste Activities (Energy from Waste Facility)</b>	
(11) 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
(12) 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
<b>Filling and earthworks</b>	
(13) 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
(14) 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.	14.1 Filling or earthworks does not result in filling beyond the Top of Void.
<b>Landscaping and visual amenity</b>	
(15) 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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	
<b>Stormwater and groundwater management</b>	
(16) Waste Activities or Restoring a Void are designed, operated and maintained to: (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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems.</p>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained so that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and</li> <li>(c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.</li> </ul>	<p>No probable solution provided</p>

**Commented [UM10]:** DSDILGP removed inter-SO referencing for best practice code drafting / bounded assessment.

ICC comment queried if benchmark was now unclear.

**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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

**Commented [UM11]:** Has been expanded throughout TLPI Boundary

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
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.”

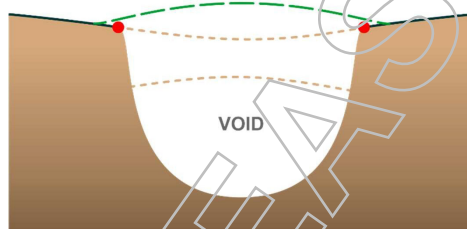
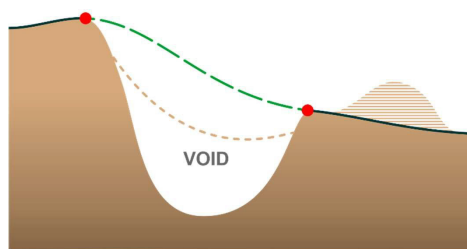
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.

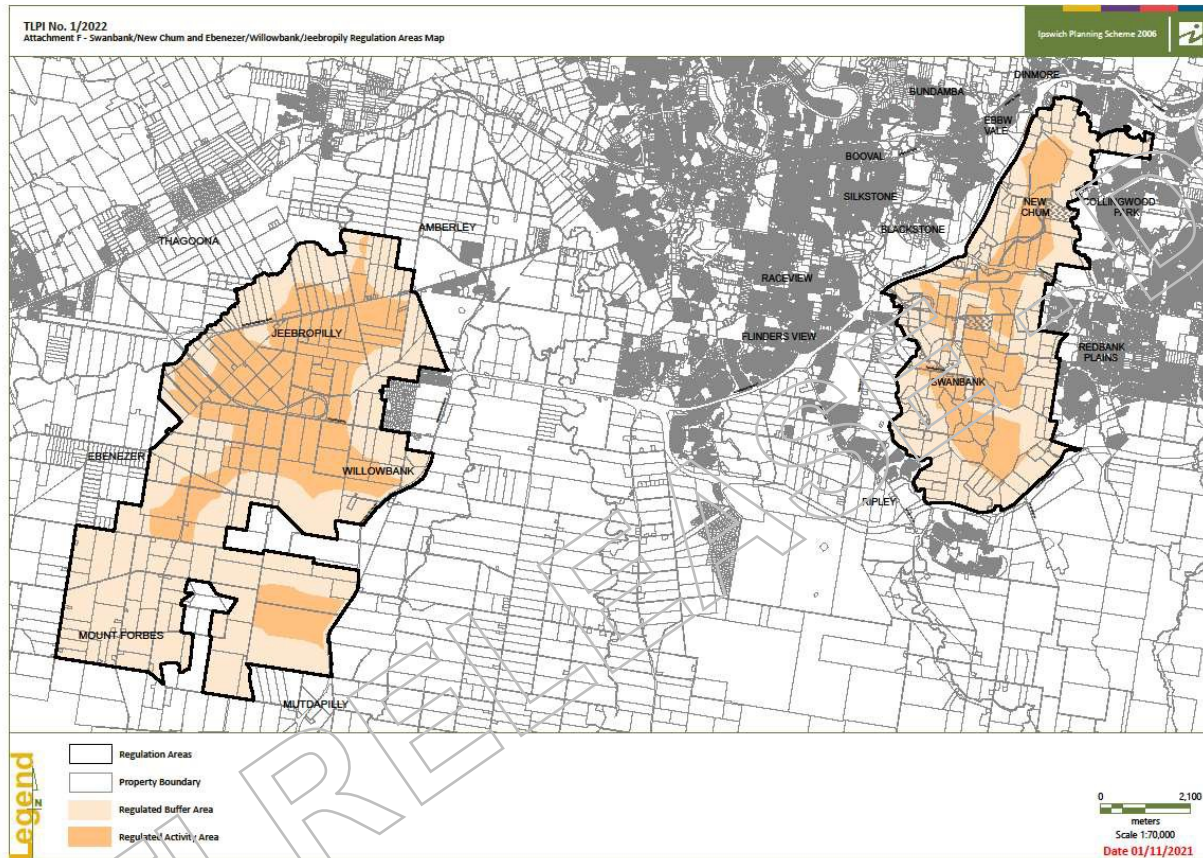


- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”; and
  - any maintenance, rehabilitation or other care of premises arising from or otherwise associated with any of the uses identified in paragraph (a) above.



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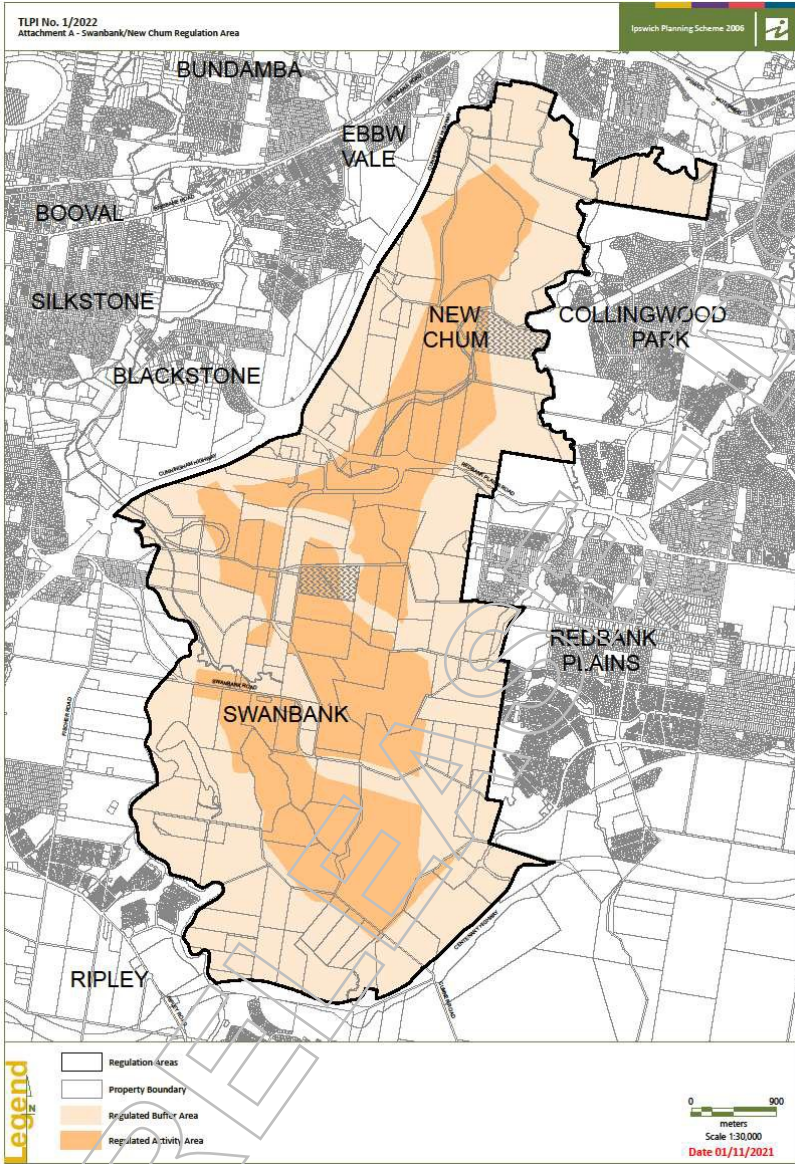
**FIGURE 1: TLPI BOUNDARY**



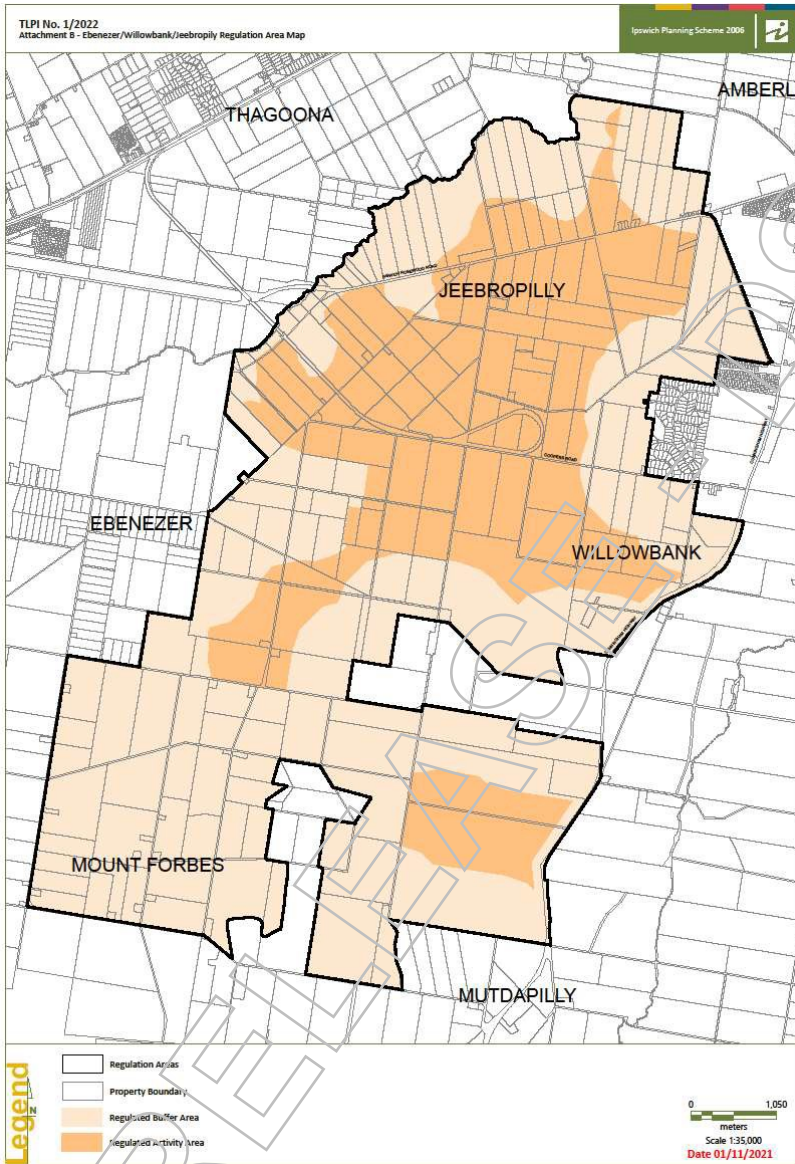
**Commented [BD12]:** Note the plans themselves have titles that differ from what's now in the document.

**Commented [U13R12]:** FOR UPDATING – AWAITING CLEAN MAP PACKAGE FROM COUNCIL

FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY MA**



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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2022  
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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 TLPs addressing emerging and urgent waste issues in Ipswich commenced. The prior TLPs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPs 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 TLP 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**

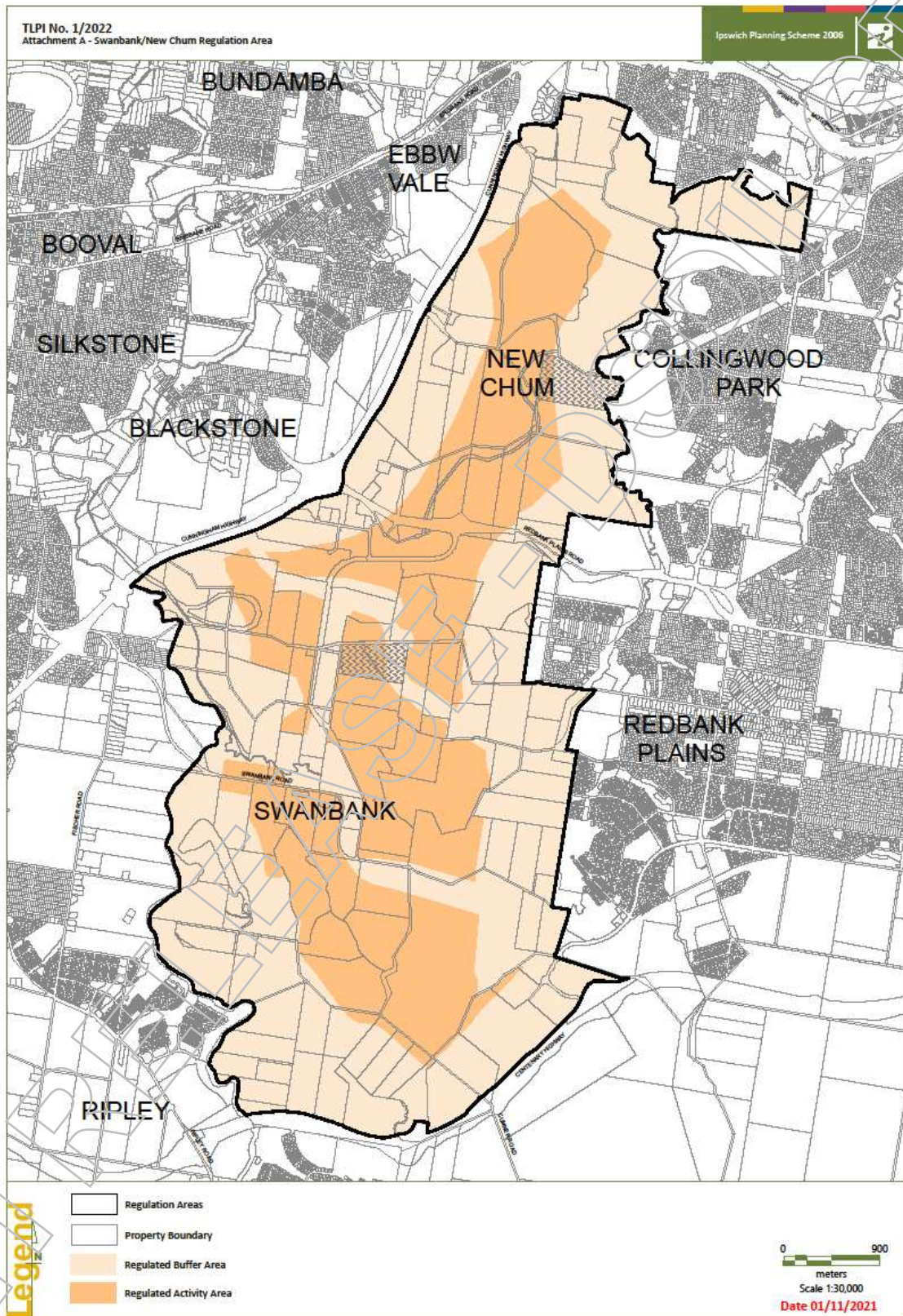
- 6.1 The TLPI applies to land within the TLPI Boundary on the maps in **Attachment A and B**.

#### **PART 7 – EFFECT OF THE TLPI**

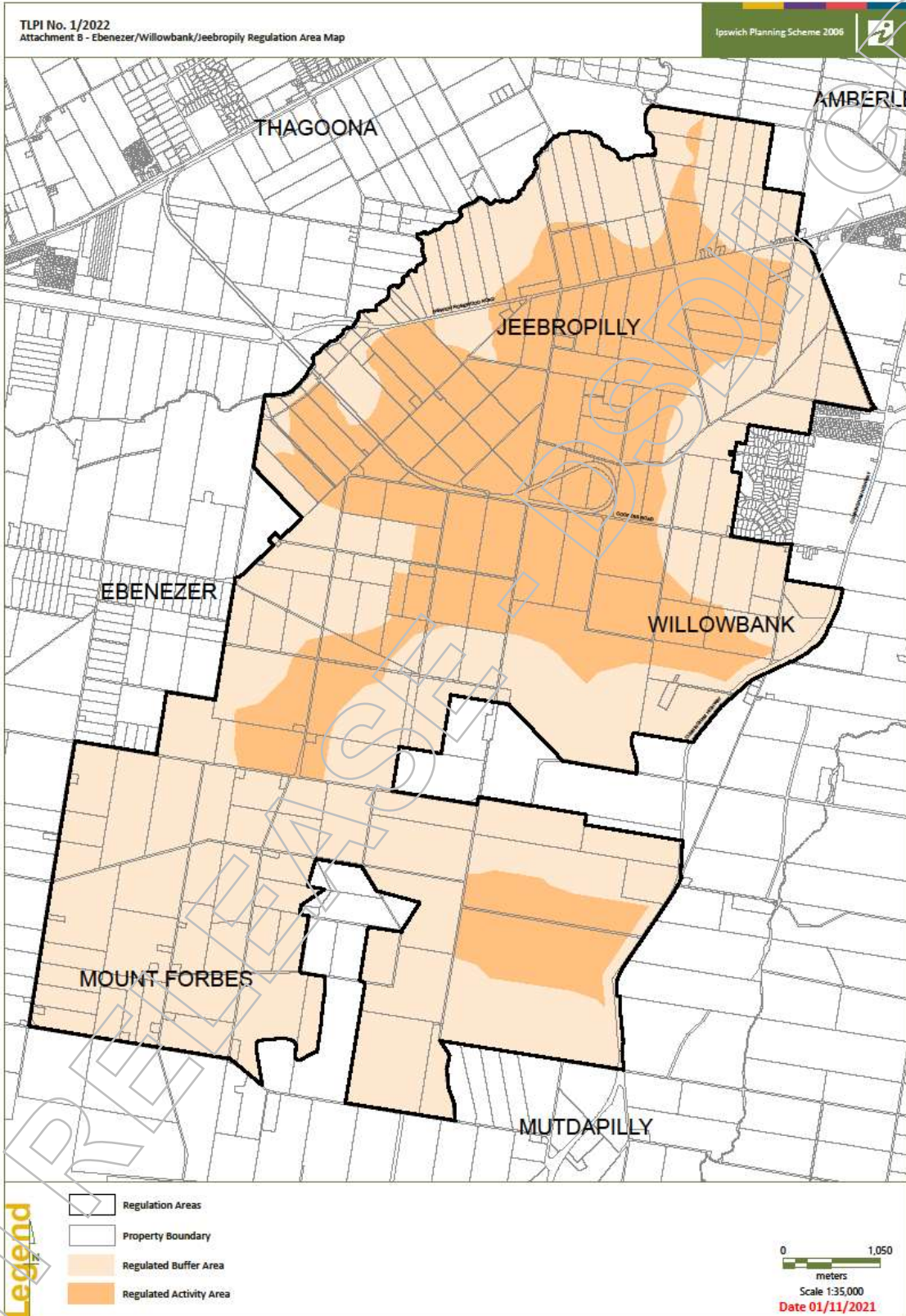
- 7.1 This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.
- 7.2 The assessment benchmarks under this TLPI are:
  - (a) the Strategic Outcomes 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
<b>(1)</b> The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
<b>(2)</b> The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: <ul style="list-style-type: none"> <li>(a) does not have any adverse impact on Sensitive Receiving Uses; or</li> </ul>	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.	
<b>(3)</b> 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
<b>(4)</b> 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
<b>(5)</b> 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
<b>(6)</b> 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"> <li>(g) provides high-quality buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is visually attractive; and</li> <li>(h) implements and maintains best practice minimisation and management of adverse impacts at all times.</li> </ul>	
<p><b>(7)</b> Filling, earthworks and ongoing operations associated with Waste Activities:</p> <ul style="list-style-type: none"> <li>(a) for Landfill, exhaust materials existing on the premises in priority to the importation of other materials;</li> <li>(b) for Landfill, use Clean Earth in priority to the importation of waste;</li> <li>(c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses;</li> <li>(d) avoid filling beyond the Top of a Void (including existing operational landfills) (See Outcome 8); and</li> <li>(e) ensure that fill materials are compacted to the maximum extent possible.</li> </ul>	No probable solution provided
<p><b>(8)</b> Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it:</p> <ul style="list-style-type: none"> <li>(a) provides a necessary stormwater management function;</li> <li>(b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and</li> <li>(c) does not exceed a maximum gradient of 5%.</li> </ul> <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><b>(9)</b> Waste Activities or Restoring a Void are developed in a manner that:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) retains and maintains significant existing vegetation, particularly remnant native vegetation and areas of environmental significance;</li> <li>(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;</li> <li>(d) does not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(e) where possible, improves the quality of nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> </ul>	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
<ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(l) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and</li> <li>(m) where possible, avoids complex and technical management systems.</li> </ul>	
<p><b>(10)</b> 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"> <li>(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;</li> </ul>	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><b>(11)</b> 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><b>(12)</b> 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**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>USES IN THE REGULATED BUFFER AREA</b>		
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
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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
<b>UNSPECIFIED USES</b>		
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.

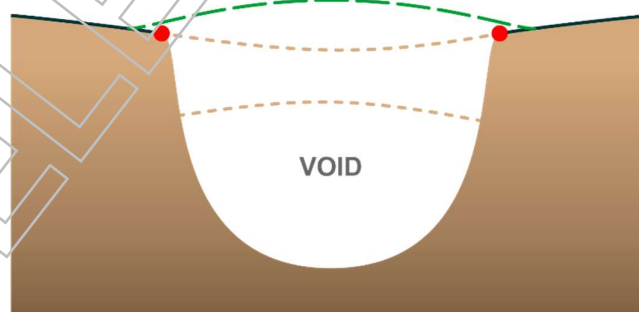
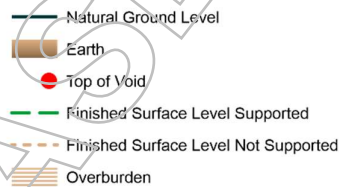
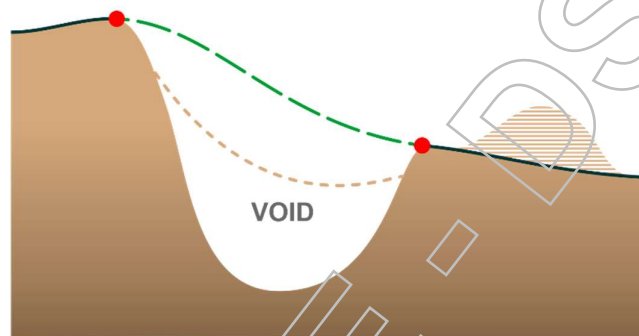
- 8.6 **“Regulated Activity Area”** means the Regulated Activity Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.7 **“Regulated Buffer Area”** means the Regulated Buffer Area identified on the Overlay Maps in Attachment A and Attachment B.
- 8.8 **“Restoring a void”** means–
- (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—

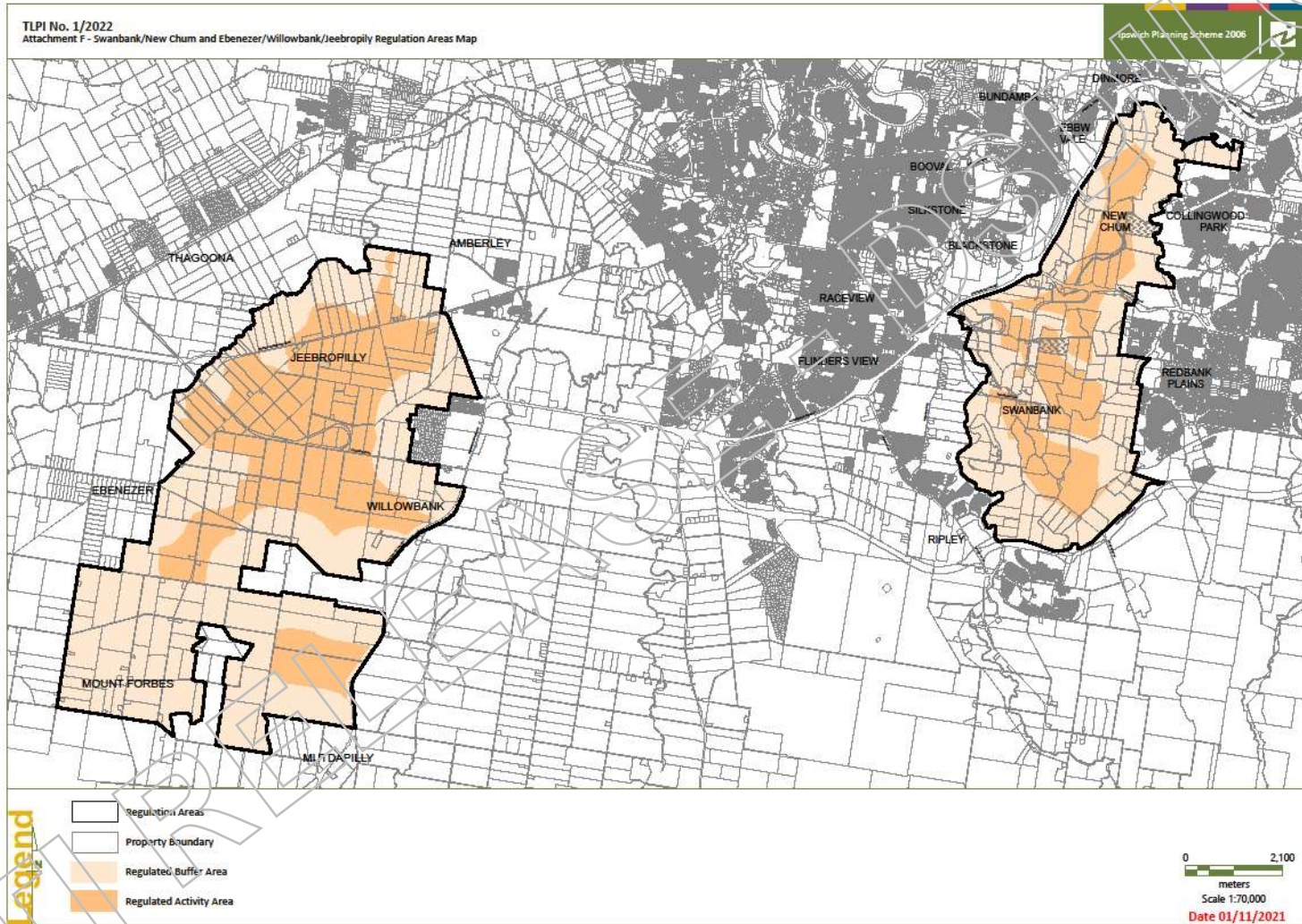
- (a) Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

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.

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ATTACHMENT F: TLPI BOUNDARY



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

**Ipswich Planning Scheme 2006**

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**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–

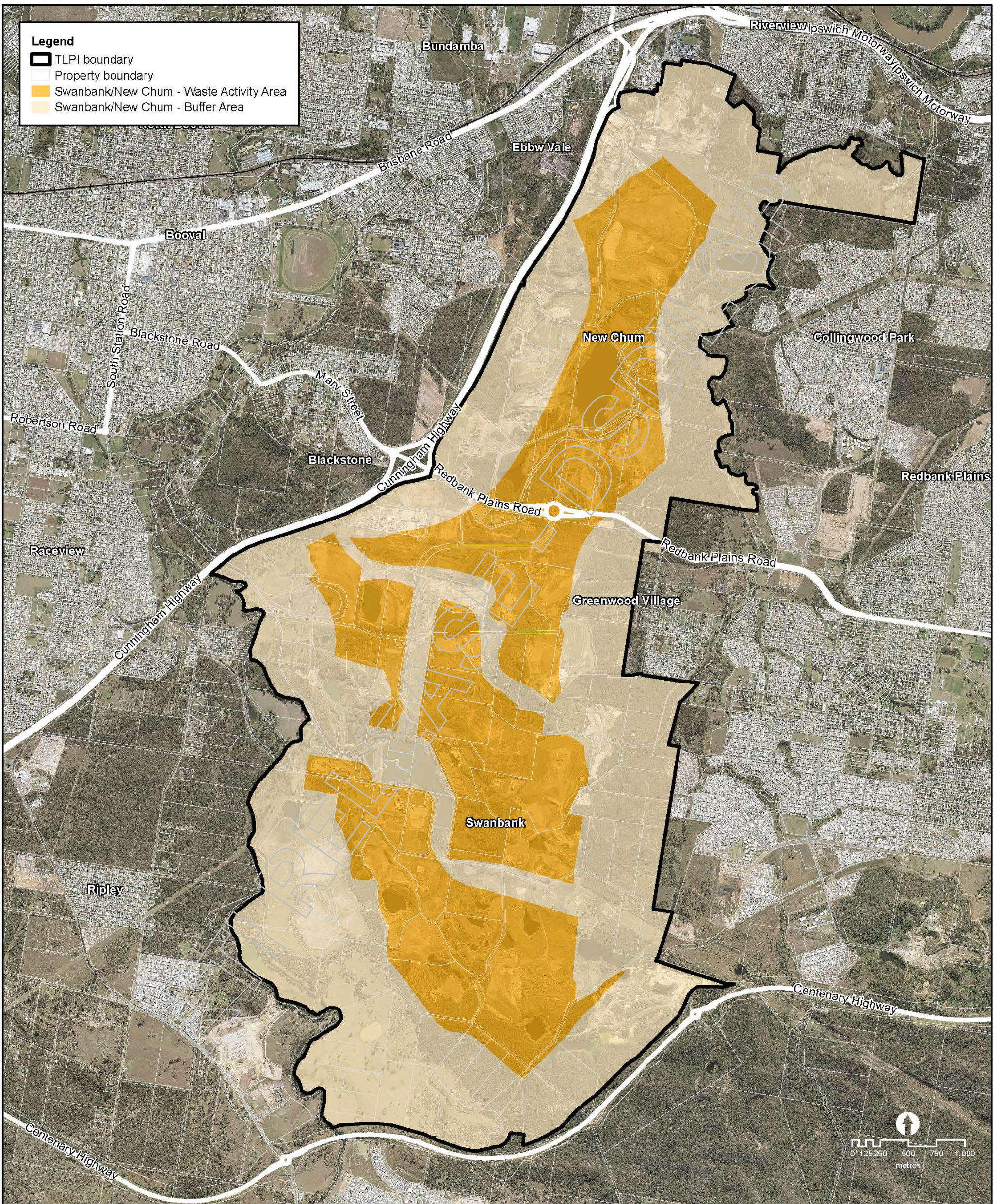
- (a) the filling of a mining void involving only ‘clean earthen material’.

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

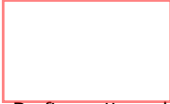
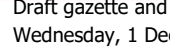

- (1) The use of a premises for a Waste Activity Use involving "Rehabilitating a mining void" occurs only in the Swanbank / New Chum Buffer Area or the Swanbank / New Chum Waste Activity Area as shown on the Swanbank / New Chum Waste Activity Area Map; and
- (2) The use of a premises for a Waste Activity 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
<b>SWANBANK / NEW CHUM BUFFER AREA</b>		
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
<b>SWANBANK / NEW CHUM WASTE ACTIVITY AREA</b>		
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
<b>OTHER</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

**From:**   
**To:**   
**Cc:**   
**Subject:** Draft gazette and public notice  
**Date:** Wednesday, 1 December 2021 2:49:22 PM  
**Attachments:** [Draft gazette and public notice - making.docx](#)  
[Draft gazette and public notice - repeal.docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi 

As requested please see attached copies of:

- Draft gazette and public notice – **making**
- Draft gazette and public notice – **repeal**

Any questions let me know.

Kind regards,

  
Senior Planning Officer  
**Planning and Development Services, SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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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](http://statedevelopment.qld.gov.au)

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**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](http://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**



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**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](http://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**

**From:** [redacted]  
**To:** [redacted]  
**Subject:** ICC TLPI email to council - Fact check  
**Date:** Wednesday, 1 December 2021 5:25:00 PM  
**Attachments:** [image003.png](#)

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Hi [redacted] rung me and said that officer briefings wont be complete until after hours tomorrow. I have said that's fine but to keep us updated so we can manage our own timelines.

As discussed see below.

Thanks again.

[redacted]

Hi [redacted]

*Thank you for your time earlier today. As agreed, please find attached a copy of the latest version of the draft min led TLPI for your review and comment. The key matters to note are:*

- *There have been no further changes to the:*
  - *background and context section of the TLPI since you reviewed the version on Monday 29 November.*
  - *Assessment provisions of waste activities at Swanbank and Ebenezer*
    - *It is understood that concern is about having two sets of different assessment criteria. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration.*
- *Amendments have been made to the:*
  - *Section 2 (1)a to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations.*
  - *Restoring avoid provisions to ensure they cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and should be rectified in the current version of the draft TLPI.*
- *The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.*

*I appreciate that upon receipt of the latest version that you will now brief you council. Please let us know if we can provide further information to assist this process. Ideally, and subject to internal discussions, we would like your feedback not later the morning of Friday 4 December as we are now finalising the package.*

*As always, happy to discuss.*

[redacted]



[Redacted]

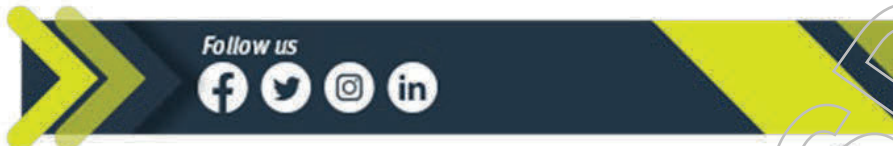
Executive Director  
**Planning and Development Services**  
**Planning Group**

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](http://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 - DODIL GP

**From:**   
**To:**  
**Subject:** Ipswich Waste TLPI - 011221 (clean version)  
**Date:** Wednesday, 1 December 2021 5:39:00 PM  
**Attachments:** [Ipswich Waste TLPI - 011221 \(clean version\).docx](#)

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RTI RELEASE - DSDIL GP

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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.
    - (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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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: 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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. 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 minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.

**Commented [ND1]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Development within the Swanbank/New Chum regulation area	SO1 – SO5; and SO11 – SO18
Development with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO6 – SO10; and SO11 – SO18

### 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
<b>Swanbank/New Chum Regulation Area – Restoring a Void</b>	
(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 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.	No probable solution provided
<b>Swanbank/New Chum Regulation Area – Waste Activities</b>	
(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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
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.	
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area – Restoring a Void</b>	
(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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area – Waste Activities</b>	
(9) 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
(10) 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;	No probable solution provided

**Commented [ND2]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

**Commented [ND3]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

Column 1 Specific Outcomes	Column 2 Probable Solutions
(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.	
<b>Waste Activities (Landfill)</b>	
(11) 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
<b>Waste Activities (Energy from Waste Facility)</b>	
(12) 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
(13) 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
<b>Filling and earthworks</b>	
(14) 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
(15) 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	15.1 Filling or earthworks does not result in filling beyond the Top of Void.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>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>	
<b>Landscaping and visual amenity</b>	
<p>(16) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.</li> </ul>	<p>No probable solution provided</p>
<b>Stormwater and groundwater management</b>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(g) for Landfill, include an adequately</li> </ul>	<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>(18) 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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed– 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



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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
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.”*

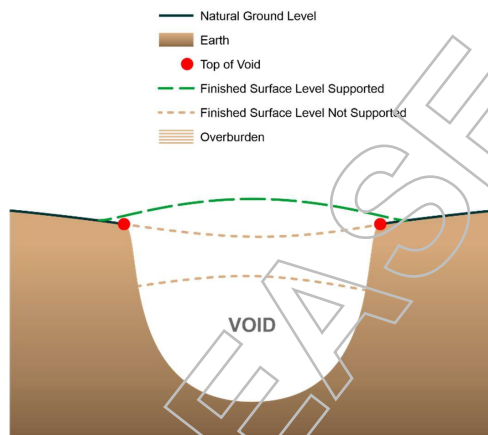
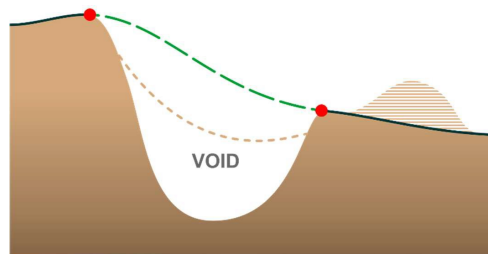
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”;
  - 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 BOUNDARY

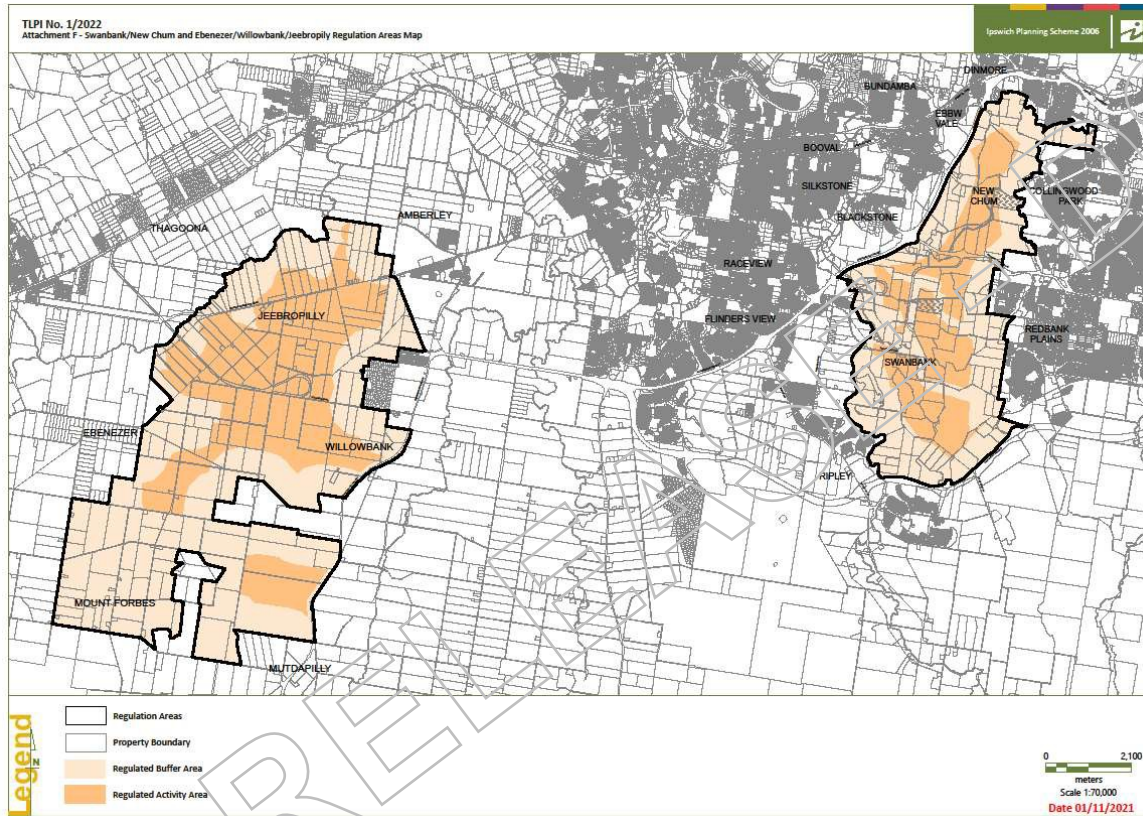
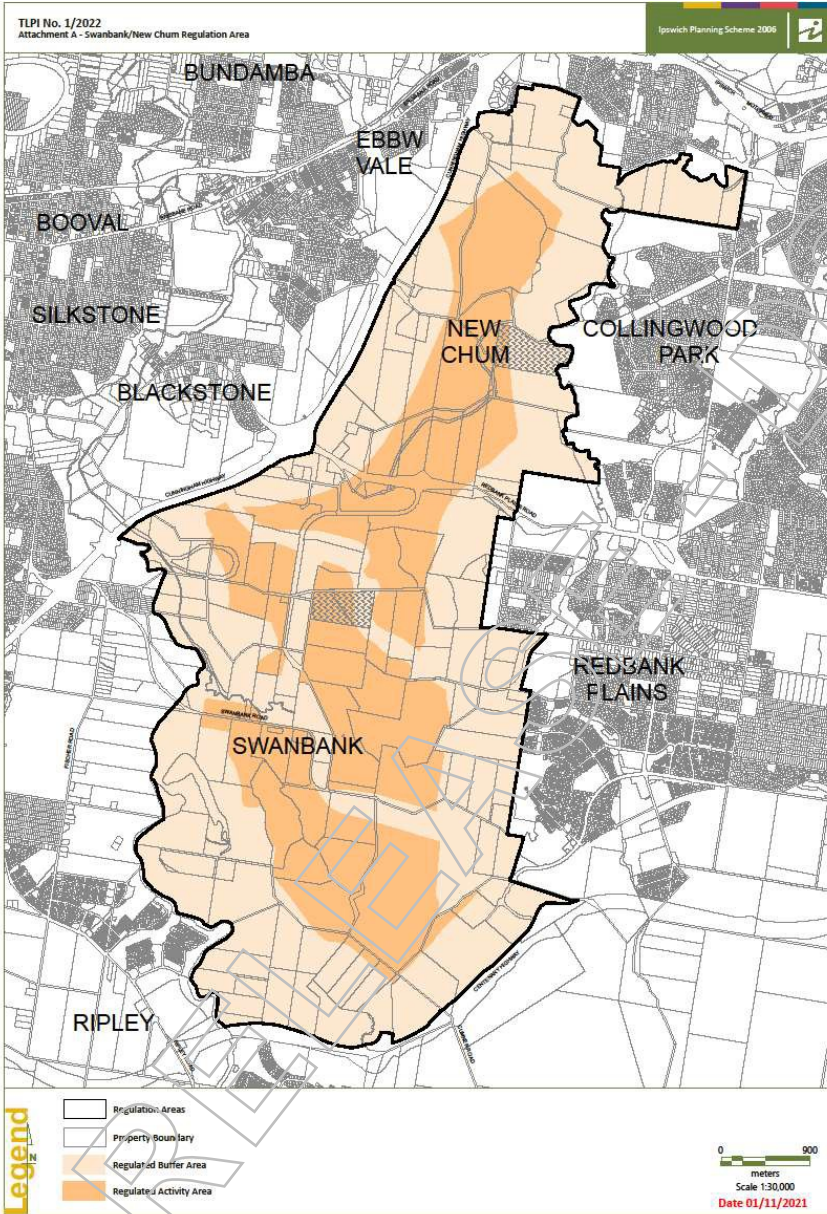
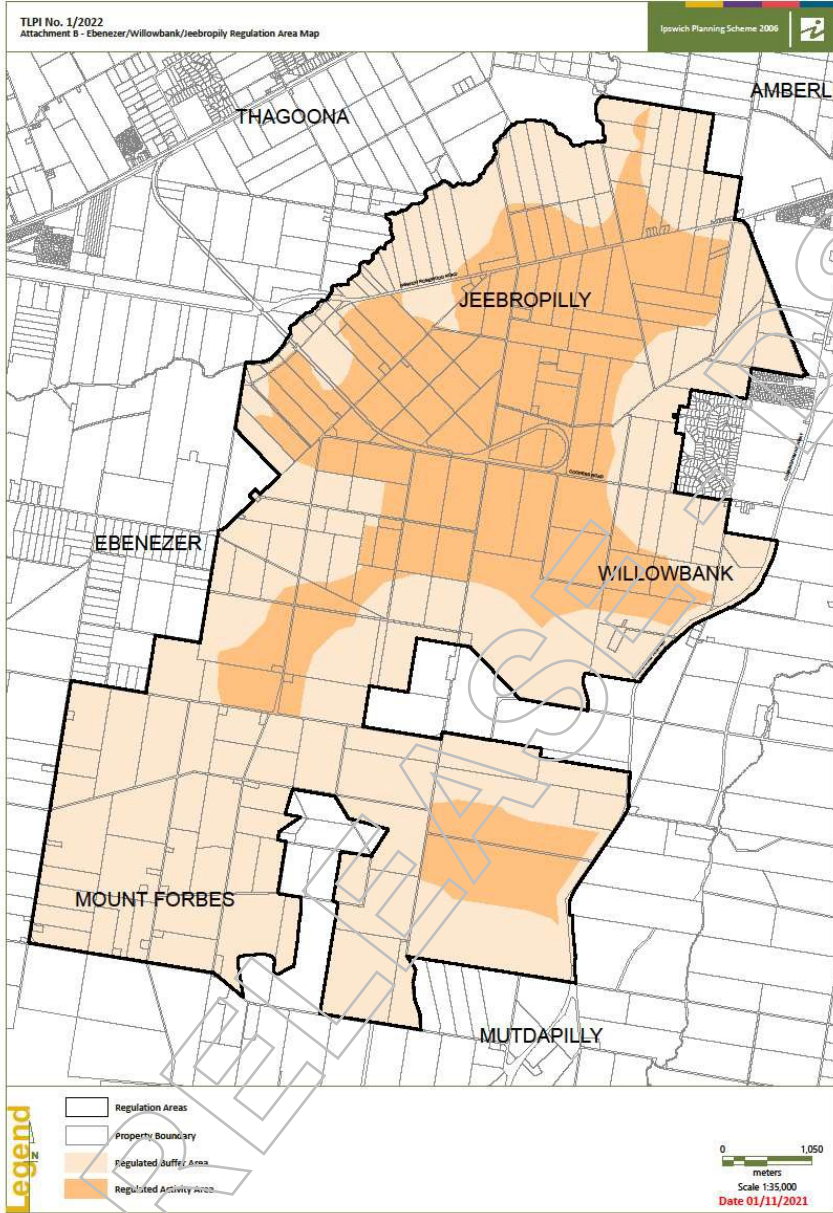


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP



**FIGURE 3: EBENEZER/WILLOWBANK/JEEBROPILLY REGULATION AREA OVERLAY**



[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 5:42 PM  
**To:** [Redacted]  
**Subject:** RE: ICC TLPI email to council - Fact check  
**Attachments:** Ipswich Waste TLPI - 011221 (clean version).docx

Hi [Redacted]

Below has been fact checked and ready to go.

Please see attached clean instrument, with comments to focus ICC in their next review.

Thanks,

[Redacted]

Hi [Redacted]

Thank you for your time earlier today. As agreed, please find attached a copy of the latest version of the draft min led TLPI for your review and comment. The key matters to note are:

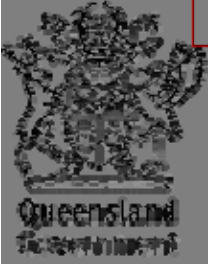
- There have been no further changes to the:
  - background and context section of the TLPI since you reviewed the version on Monday 29 November.
  - Energy from Waste provisions since you reviewed the version on Monday 29 November. Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
  - Assessment provisions of waste activities at Swanbank and Ebenezer
    - It is understood that concern is about having different assessment criteria apply to different areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration.
    - Please note – there is a minor change from the version as a result of improvements to signposting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council's policy integrity remains.
- Amendments have been made to the:
  - Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks.
  - Restoring a Void provisions now cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and has been rectified in the current version of the draft TLPI.
- The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.

I appreciate that upon receipt of the latest version that you will now brief you council. Please let us know if we can provide further information to assist this process. Ideally, and subject to internal discussions, we would like your feedback not later the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.

[Redacted]





Business Director  
**Planning and Development Services  
Planning Group**

Department of Urban Development, Infrastructure,  
and Government and Planning

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

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PO Box 16000, St. Lucia QLD 4000

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I offer my respect to their past, present and emerging as we work towards a fair,  
equitable and reconciled Australia.*



RTI RELEASE - SDIL GP

[redacted]  

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**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 5:44 PM  
**To:** [redacted]  
**Subject:** RE: ICC TLPI email to council - Fact check

Fabulous – thank you 😊

Speak tomorrow.

I will catch up with Monday [redacted]

[redacted]  

---

**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 5:42 PM

[redacted]  
**Subject:** RE: ICC TLPI email to council - Fact check

Hi [redacted]  
Below has been fact checked and ready to go.  
Please see attached clean instrument, with comments to focus ICC in their next review.  
Thanks,

[redacted]  
Hi [redacted]  
*Thank you for your time earlier today. As agreed, please find attached a copy of the latest version of the draft min led TLPI for your review and comment. The key matters to note are:*

- *There have been no further changes to the:*
  - *background and context section of the TLPI since you reviewed the version on Monday 29 November.*
  - *Energy from Waste provisions since you reviewed the version on Monday 29 November. Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)*
  - *Assessment provisions of waste activities at Swanbank and Ebenezer*
    - *It is understood that concern is about having different assessment criteria apply to different areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration.*
    - *Please note – there is a minor change from the version as a result of improvements to sign-posting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council's policy integrity remains.*
- *Amendments have been made to the:*
  - *Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks.*
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As always, happy to discuss.



The image shows a business card for the Queensland Planning and Development Services Planning Group. The card features the Queensland Government crest and logo on the left. The text on the card includes: "Business Director", "Planning and Development Services", "Planning Group", "Department of Urban Development, Infrastructure and Government and Planning", "Level 14, 1 William Street, Brisbane QLD 4000", "PO Box 16000, St. Lucia QLD 4000", and the website "dcsiddevelopment.qld.gov.au". A red box highlights the text "Sch. 4(4)(6) - Disclosing personal information". At the bottom, there are social media icons for Facebook, Twitter, Instagram, and LinkedIn, and a statement: "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." A small logo is visible in the bottom right corner of the card.

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 6:04 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Draft waste TLPI - updated clean version  
**Attachments:** Ipswich Waste TLPI - 011221 (clean version).docx

Hi [Redacted]

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

The key matters to note are:

- There have been no further changes to the:
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  - Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
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- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or clarify the policy intent of the provision.

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**Executive Director**  
**Planning and Development Services**  
**Planning Group**  
Department of State Development, Infrastructure,  
and Government and Planning

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

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RTI RELEASED - DSDILGP

**From:** [redacted]  
**To:** [redacted]  
**Subject:** FW: Draft waste TLPI - updated clean version  
**Date:** Wednesday, 1 December 2021 6:05:02 PM  
**Attachments:** [Ipswich Waste TLPI - 011221 \(clean version\).docx](#)  
[image002.png](#)

---

Hi all – FYI.

[redacted]

---

**From:** [redacted]  
**Sent:** Wednesday, 1 December 2021 6:04 PM

**Subject:** Draft waste TLPI - updated clean version

Hi [redacted]

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

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  - Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
    - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
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*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.*



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RTI RELEASE - DSDIL GP



**From:** [Redacted]  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: CONFIDENTIAL: Ipswich Waste TLPI - 011221  
**Date:** Wednesday, 1 December 2021 2:56:37 PM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)

[Redacted]  
Thank you both for the clear explanation of the changing TLPI and for this version.

We certainly don't have any major comments or concerns and welcome the changes that have been made to date.

All the best

[Redacted]  
Director, Resource Recovery Industries

**State Development Group**

Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

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

Level 18, 1 William Street, QLD 4000

**Fro** [Redacted]

**Sent:** Wednesday, 1 December 2021 1:58 PM

[Redacted]  
**Subject:** CONFIDENTIAL: Ipswich Waste TLPI - 011221

**Importance:** High

Hi [Redacted]

Thanks for your time just now.

Please find attached the draft Ministerial TLPI for Ipswich waste activities.

If you have any major comments/concerns, please provide these by COB today.

Let us know if you have any questions.

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

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RTI RELEASE - DSDILGP

**From:** [Redacted]  
**To:** [Redacted]  
**Cc:**  
**Subject:** RE: Draft gazette and public notice  
**Date:** Wednesday, 1 December 2021 3:07:05 PM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Thanks CC

Regards

[Redacted]

[Redacted]

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

Microsoft teams – [meet now](#)

---

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---

**From** [Redacted]

**Sent:** Wednesday, 1 December 2021 2:49 PM

[Redacted]

**Subject:** Draft gazette and public notice

Hi [Redacted]

As requested please see attached copies of:

- Draft gazette and public notice – **making**
- Draft gazette and public notice – **repeal**

Any questions let me know.

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) -  
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information

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

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RTI RELEASE - DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 3:08 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Ipswich Waste TLPI - 011221 (for briefing) 1.15pm  
**Attachments:** Ipswich Waste TLPI - 011221 (for briefing) 1.15pm.docx  
**Categories:** FYI

Updated

RTI RELEASE - DSDIL GP

**From:** [Redacted]  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: CONFIDENTIAL: Ipswich Waste TLPI - 011221  
**Date:** Wednesday, 1 December 2021 3:10:36 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)  
[image002.png](#)  
[image003.png](#)  
[image009.png](#)  
[image010.png](#)

Thanks [Redacted]

Regards  
[Redacted]

[Redacted]  
Regional Director (South)  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning  
  
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**From:** [Redacted]  
**Sent:** Wednesday, 1 December 2021 2:56 PM

[Redacted]

**Subject:** RE: CONFIDENTIAL: Ipswich Waste TLPI - 011221

[Redacted]

Thank you both for the clear explanation of the changing TLPI and for this version.

We certainly don't have any major comments or concerns and welcome the changes that have been made to date.

All the best

[Redacted]

[Redacted]

Director, Resource Recovery Industries  
**State Development Group**  
Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

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

Level 18, 1 William Street, QLD 4000

**From** [Redacted]

**Sent:** Wednesday, 1 December 2021 1:58 PM

[Redacted]

**Subject:** CONFIDENTIAL: Ipswich Waste TLPI - 011221

**Importance:** High

Hi [Redacted]

Thanks for your time just now.

Please find attached the draft Ministerial TLPI for Ipswich waste activities.

If you have any major comments/concerns, please provide these by COB today.

Let us know if you have any questions.

Regards  
[Redacted]

[Redacted]


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

*Microsoft teams – meet now*

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**From:**   
**To:**  
**Cc:**  
**Subject:** TLPI\_No\_2\_of\_2020\_2 - Ebenezer  
**Date:** Wednesday, 1 December 2021 3:10:00 PM  
**Attachments:** [TLPI\\_No\\_2\\_of\\_2020\\_2.pdf](#)

---

Your message is ready to be sent with the following file or link attachments:

TLPI\_No\_2\_of\_2020\_2

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RTI RELEASE - DSDLLGP



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**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’.

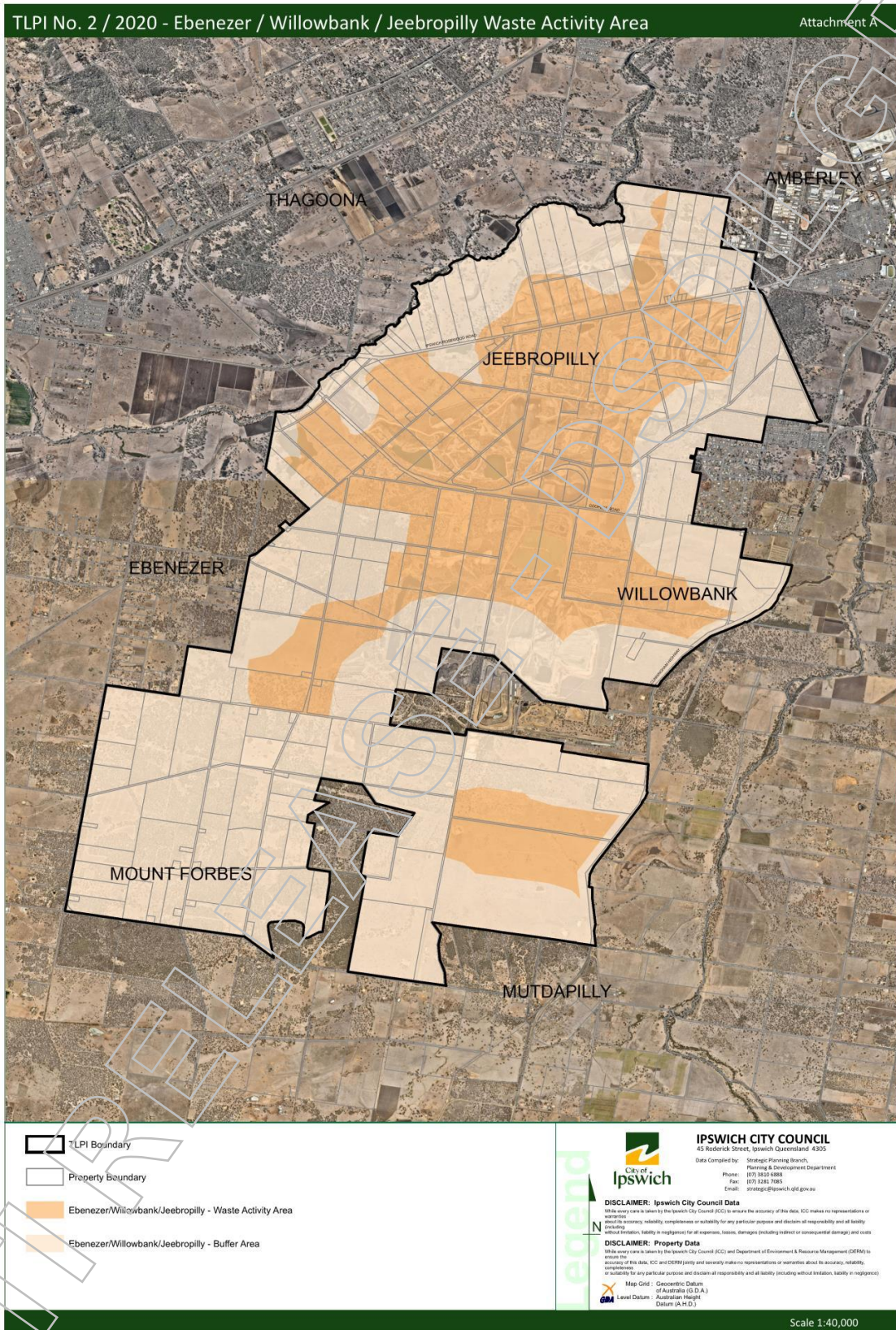
### 8.6 **“Waste Activity Use”** means–

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**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Assessment category</b>	<b>Column 3 Relevant assessment criteria</b>
<b>EBENEZER / WILLOWBANK / JEEBROPILLY BUFFER AREA</b>		
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
<b>EBENEZER / WILLOWBANK / JEEBROPILLY WASTE ACTIVITY AREA</b>		
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
<b>OTHER</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme



**From:** [redacted]  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: [redacted] Sch. 4(4)(6) -  
**Date:** Thursday, 2 December 2021 8:16:08 AM  
**Attachments:** image001.png  
image005.png  
image006.png  
image007.png

Yes.



[redacted] Acting Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department  
IPSWICH CITY COUNCIL T | [redacted] Sch. 4(4)(6) -  
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information



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**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 8:16 AM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** [redacted] Sch. 4(4)(6) -  
Disclosing personal  
information

Hi [redacted]

Are you free at 930 to have a chat to [redacted] and I about the comments you sent through to [redacted] last night?

Thanks

[redacted]

[redacted]  
A/Planning Manager  
**SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

[redacted] Sch. 4(4)(6) -  
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information  
Level 4, 117 Brisbane Street, Ipswich QLD 4305  
PO Box 2390, North Ipswich QLD 4305

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**From:**   
**To:**   
**Cc:**   
**Subject:** Effect / Repeal of Ipswich TLPI - Legal provisions  
**Date:** Wednesday, 1 December 2021 3:19:19 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image002.png](#)  
[image004.png](#)  
**Importance:** High

---

Hi

The legal provisions under s27 of the Planning Act allows the Minister to undertake the following actions:

- make the proposed TLPI to protect or give effect to a State interest, and the action is to be taken urgently; and
- repeal TLPI 01/2020 (Min TLPI) to protect or give effect to a State interest, and the action is to be taken urgently; and
- repeal TLPI 02/2020 (ICC TLPI) to protect or give effect to a State interest, and the action is to be taken urgently.

The department will recommend to the Minister (lifted from the PAR):

- That the council is given notice under s.27(2) of the *Planning Act 2016* (Planning Act) that the Minister intends to:
  - make the proposed TLPI; and
  - repeal TLPI 01/2020; and
  - repeal TLPI 02/2020, to protect or give effect to a State interest, and the action is to be taken urgently.
- Following the notice to the council, if the Minister decides to make the proposed TLPI, that:
  - the TLPI is made, notice of the TLPI be published in the gazette and the TLPI starts to have effect on the day the notice is published in the gazette; and
  - TLPI 01/2020 and TLPI 02/2020 are repealed immediately before the new TLPI starts to have effect.

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**

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[Redacted]

---

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 7:29 AM  
**To:** [Redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

Thanks [Redacted]

Can we just negotiate and agree the approach with [Redacted] Ideally we would like to make sure [Redacted] and therefore council is happy with these provisions.

Before you ring or meet [Redacted] this morning can you please brief me on the response back.

Thanks,

[Redacted]

---

**From** [Redacted]  
**Sent:** Thursday, 2 December 2021 7:27 AM

[Redacted]

**Subject:** Re: Draft waste TLPI - updated clean version

Initial thoughts.

- composting in regulated activity area - thoughts were that compost manufacturing is undesirable within the buffer area. We could amend to apply to the whole TLPI boundary, given the purpose send signals of the desired outcomes.
- SO10 - I don't think included (h) is an issue. We could amend to include the 'best practice management' provision and align the language with SO7.
- Does not have adverse impacts v protects - my preference would be to maintain 'protects'. The TLPI acknowledges that's waste activities have an adverse impact on sensitive uses. Given some of provisions talk to using best practice management etc. there are likely measures a development can put in place to 'protect' the sensitive uses from adverse impacts. If there is fundamental disagreement on the use of 'protects', we could adopt does not have an adverse impact...

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---

**From** [Redacted]  
**Sent:** Wednesday, December 1, 2021 9:50:39 PM

[Redacted]

**Subject:** Re: Draft waste TLPI - updated clean version

We'll come back to you first thing [Redacted]

[Redacted]

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**From:** [redacted]

**Sent:** Wednesday, December 1, 2021 9:37:49 PM

[redacted]

**Subject:** Fwd: Draft waste TLPI - updated clean version

Hi [redacted]

Can you please assist with advising on the thinking. Please see below.

I'll need to provide this advice first up because council will be briefed.

Thanks,

[redacted]

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---

**From:** [redacted]

**Sent:** Wednesday, December 1, 2021, 9:22 PM

**To:** [redacted]

**Subject:** RE: Draft waste TLPI - updated clean version

Hi [redacted] – I almost sent to [redacted] but she wasn't CC'd,

With the SO's for Ebenezer / Willowbank I note that compost manufacturing enclosed is listed specifically to be within the Regulated Activity Area. Was tis intentional, as it potentially adds a further restriction to the buffer area here – not necessarily an issue just trying to understand the intent of that part of SO10.

SO10 also adjusted some of the outcomes sought from our adopted version (SO6 of our version) and removes:

*(b) does not limit the establishment of productive future uses of the premises;*

*(e) do not prejudice or compromise the future restoration, use, repair or maintenance of the premises;*

*(h) implements and maintains best practice minimisation and management of adverse impacts at all times.*

I understand b and e (as we discussed this with the team) but I wonder if h is an important consideration with this situation?

I note that SO7 includes some different language along the same lines as (h) above, and also some different language to SO10(a) that could be useful for SO10.

*(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.*

On (a), I wonder if the 'does not have' vs 'protects' is actually better? As protects implies an impact that needs mitigation where the does not have may suggest that the location should ameliorate impacts as a preference? Any thoughts on this?

SO10 (a) for reference:

**(a) protects** Sensitive Receiving Uses from adverse impacts of development;

Just some late night thoughts....



 Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department  
IPSWICH CITY COUNCIL T|  Sch. 4(4)(6) -  
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information

DSDILGP



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From 

Sent: Wednesday, 1 December 2021 6:04 PM



Subject: Draft waste TLPI - updated clean version

Hi 

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

The key matters to note are:


- There have been no further changes to the:
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Department of Urban Development, Infrastructure,  
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**From:** [redacted]  
**To:** [redacted]  
**Subject:** Fwd: Draft waste TLPI - updated clean version  
**Date:** Wednesday, 1 December 2021 9:37:57 PM  
**Attachments:** [image001.png](#)

---

Hi [redacted]

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[redacted]  
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---

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**Sent:** Wednesday, December 1, 2021, 9:22 PM  
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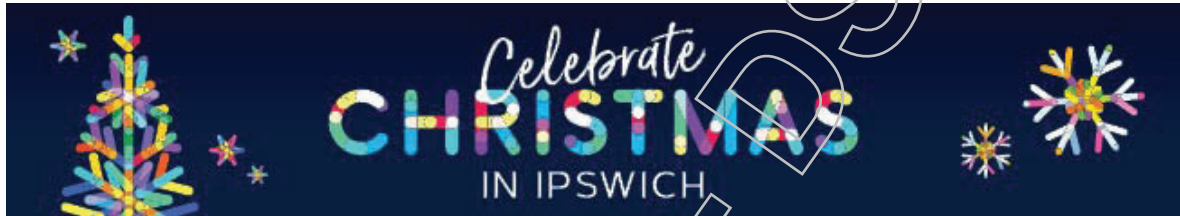
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City Design Branch  
Planning and Regulatory Services Department

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**Sent:** Wednesday, 1 December 2021 6:04 PM

  
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**From:** [redacted]  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version  
**Date:** Thursday, 2 December 2021 7:23:46 AM  
**Attachments:** [image007.png](#)

---

Hi [redacted]

We will have a look at this and come back to you first thing this morning.

Speak soon,

[redacted]

---

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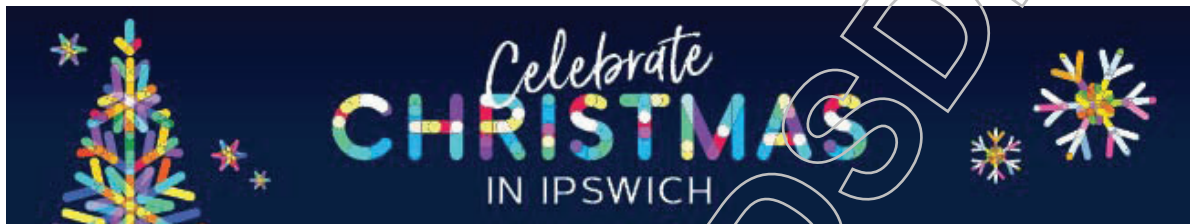
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[Redacted]  
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**From:** [redacted]  
**To:**  
**Subject:** RE: Draft waste TLPI - updated clean version  
**Date:** Thursday, 2 December 2021 7:29:27 AM  
**Attachments:** [image007.png](#)

---

Thank [redacted]

Can we just negotiate and agree the approach with [redacted] ideally we would like to make sure [redacted] and therefore council is happy with these provisions.

Before you ring or meet [redacted] this morning can you please brief me on the response back.

Thanks,

[redacted]

---

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**Sent:** Thursday, 2 December 2021 7:27 AM

[redacted]  
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**From:** [redacted]  
**Sent:** Wednesday, December 1, 2021 9:50:39 PM

[redacted]  
**Subject:** Re: Draft waste TLPI - updated clean version

We'll come back to you first thing [redacted]

[redacted]

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**Sent:** Wednesday, December 1, 2021 9:37:49 PM

[Redacted]

**Subject:** Fwd: Draft waste TLPI - updated clean version

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**Sent:** Wednesday, 1 December 2021 6:04 PM



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**From:** [redacted]  
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**Subject:** Re: Draft waste TLPI - updated clean version  
**Date:** Thursday, 2 December 2021 7:26:52 AM  
**Attachments:** [image001.png](#)

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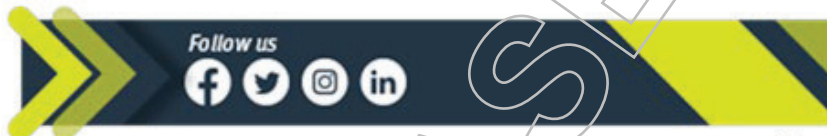


  
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**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** Draft waste TLPI  
**Date:** Thursday, 2 December 2021 8:15:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hi [redacted]

Are you free at 930 to have a chat to [redacted] and I about the comments you sent through to [redacted] last night?

Thanks  
[redacted]

[redacted]  
A/Planning Manager  
**SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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**From:** [Redacted]  
**To:** [Redacted]  
**Cc:**  
**Subject:** RE: CONFIDENTIAL: Ipswich Waste TLPI - 011221  
**Date:** Thursday, 2 December 2021 10:20:59 AM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image010.png](#)

---

Hi [Redacted]  
Thanks for the opportunity to review this.

From our perspective as the owner of a major piece of future industrial land at Willowbank it looks reasonable. Our proposed development of this land includes provision of land for high impact industrial uses including waste recovery, energy from waste and associated industries. From what I read it appears that such uses would be impact assessable on our land under this TLPI.

As a general comment, from our perspective as an industrial developer we would like to see somewhere in the document an acknowledgement that in principle any approved, legal industrial uses including waste, resource recovery, etc. should be protected from urban encroachment, residential and other non compatible uses. Buffer zones should be enshrined in the planning scheme so that they are not able to be compromised in the long term future.

Hope that helps.

Kind regards,

[Redacted]  
Senior Development Manager, Industrial  
Development  
**Economic Development Queensland**  
Department of State Development, Infrastructure,  
Local Government and Planning

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PO Box 2202, Brisbane QLD 4001

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**From:** [redacted]

**Sent:** Wednesday, 1 December 2021 1:58 PM

[redacted]

**Subject:** CONFIDENTIAL: Ipswich Waste TLPI - 011221

**Importance:** High

Hi [redacted]

Thanks for your time just now.

Please find attached the draft Ministerial TLPI for Ipswich waste activities.

If you have any major comments/concerns, please provide these by COB today.

Let us know if you have any questions.

Regards  
[redacted]

[redacted]

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


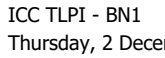
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RTI RELEASED - DSDIL

**From:**   
**To:**   
**Subject:** ICC TLPI - BN1  
**Date:** Thursday, 2 December 2021 10:54:00 AM  
**Attachments:** [MBN briefing note 1 011221.docx](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Briefing note 1 attached.



A/Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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RTI RELEASE - DSDILGP

**SUBJECT** Intention to make Temporary Local Planning Instrument (TLPI) No. 1 of 2022 (Resource Recovery and Waste Activity Regulation) (the proposed TLPI) and intention to repeal 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)

<p><b>Note: This brief is considered draft until signed.</b></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 there are two existing TLPIs that regulate waste activities within the areas of Swanbank/ New Chum and the Ebenezer/ Willowbank/ Jeebropilly that will expire in early 2022, namely TLPI 01/2020 and TLPI 02/2020
- **note** that there is a need to continue interim controls for waste activities until Ipswich City Council (the council) resolves its new planning scheme, which is not expected to be until the end of 2023
- **note** that the planning assessment report (PAR) (**Attachment 1**) prepared by the department 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 the proposed TLPI; and
  - repealing the two existing TLPIs so there is a single TLPI that regulates waste activities in the Ipswich local government area
- **decide** for the reasons in the PAR and the notice at **Attachment 2** (the notice), to give the notice to council stating you intend to exercise your power under section 27 of the Planning Act to:
  - make the proposed TLPI; and
  - repeal TLPI 01/2020 and TLPI 02/2020
- **sign** the attached letter to Ms Sonia Cooper, Chief Executive Officer of the council (**Attachment 3**), attaching the notice.

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**BACKGROUND**

- As noted above, 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 TLPIs are:
  - TLPI 01/2020: 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 02/2020: 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 provide 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 that is intended to replace the two existing TLPIs. A copy of the council resolved TLPI has not been formally provided to you for approval, however, the [d](#)Department has been provided with a copy by council officers and have engaged in discussions with council officers about this document.

#### KEY ISSUES

- 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 the proposed TLPI should be made urgently, and the existing TLPI 01/2020 and TLPI 02/2020 should be repealed, for the reasons set out in the PAR and the notice.
- A TLPI is a temporary instrument which has effect for a maximum period of two years. The proposed TLPI would provide interim protection to allow the department and the council to work together to amend the planning scheme to address relevant state interests. The repeal of TLPI 01/2020 and TLPI 02/2020 is required so that the proposed TLPI can operate effectively.
- Should you decide that you intend to make the TLPI and repeal TLPI 01/2020 and TLPI 02/2020, you must notify the council of your intention. A draft letter to council is at **Attachment 3**.
- After giving the notice to council you will be provided with a further briefing note seeking your decision whether to make the proposed TLPI and repeal TLPI 01/2020 and TLPI 02/2020.

#### RESULTS OF CONSULTATION

- On 29 November 2021 and 1 December 2021, departmental officers provided a draft of the proposed TLPI to council officers for comment. Council officers provided comments on 30 November 2021 and 1 December 2021 respectively. Those comments have been addressed, where appropriate, in the proposed TLPI.
- Legal Services has been consulted in the preparation of this brief, the PAR and the notice.

#### 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 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**).

Deputy Premier, Minister for State Development, Infrastructure,  
 Local Government and Planning  
 Minister Assisting the Premier on Olympics Infrastructure  
**BRIEFING NOTE FOR DECISION**

Our ref: MBNXX/XXXX  
 Date: XX November 2021

<b>Author</b> Name: XXXXX Position: XXXXX Unit: Planning and Development Services Tel/Mob No: XXXXX Date: XXXXX	<b>Approved by (Dir/Exec Dir)</b> Name: [Redacted] Position: Executive Director Branch: Planning and Development Services Tel/Mob No: [Redacted] Date: Insert text	<b>Approved by (SP)</b> Name: [Redacted] Division: Planning Group Tel/Mob No: [Redacted] Date: Insert text	<b>Director-General Endorsement</b> Name: Damien Walker  Signed  Date ...../...../.....
---	--	--	--

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RTI RELEASE - DSDILGP

**From:** [redacted]  
**To:** [redacted]  
**Subject:** RE: Can you send me the source MBN no."s for the two packages. I think [redacted] aid they were set up already.  
**Date:** Thursday, 2 December 2021 11:05:00 AM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image010.png](#)

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Package 1 – MBN21/1784  
Package 2 – MBN21/1783

[redacted]

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

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**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 11:00 AM  
**To:** [redacted]  
**Subject:** Can you send me the source MBN no.'s for the two packages. I think [redacted] said they were set up already.

Regards  
[redacted]


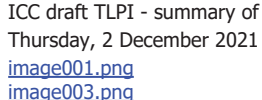
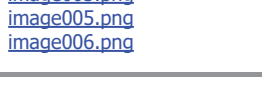
[redacted]

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

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**From:**   
**To:**   
**Cc:**   
**Subject:** ICC draft TLPI - summary of discussion (2 December 2021)  
**Date:** Thursday, 2 December 2021 11:24:00 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

---

Hi 

Thanks for your time this morning. To round out the discussion, please see my summary below.

Please let me know if this does not capture your comments or understanding of the outcomes discussed.

I understand you're meeting with council after hours today and will provide any final council comment tonight or tomorrow morning.

Thanks  


---

#### Summary of discussion (2 December 2021)

- Attachment A - section 2(2)(f)
  - ICC comment:
    - preference to include list of provisions from the resolved TLPI to send clear signals on the assessment considerations for proposed expansion of existing waste activities
  - Department comment:
    - the outcomes (included in the resolved TLPI) are implicit through the other provisions within the TLPI – given the development's impacts are considered (i.e. offsite impacts on sensitive receiving uses). Other provisions are considered sufficient for assessment and decision making
    - inclusion of the outcomes from the resolved TLPI does not change the intent of the proposed provisions
  - **Outcome:**
    - **insert provisions from resolved TLPI, excluding (d) any non-compliance with existing development approvals being addressed.**
- Attachment A – Table 4.1: SO4 *the use of premisses for restoring a void* for Swanbank/New Chum regulation area
  - ICC comment:
    - equivalent provision has not been included for Ebenezer/Willowbank/Jeebropilly Regulation Area
  - Department comment:
    - unintentional omission – equivalent provision can be included for Ebenezer/Willowbank/Jeebropilly Regulation Area
  - **Outcome:**
    - **insert equivalent SO for restoring a void in Ebenezer/Willowbank/Jeebropilly Regulation Area**
- Attachment A – Table 4.1: SO9 and SO10
  - ICC comment:
    - specific reference to compost manufacturing enclosed is inconsistent with the drafting of the equivalent provisions for Ebenezer/Willowbank/Jeebropilly Regulation Area
  - Department comment:



- drafting consistent with the existing TLPI (No. 2 of 2020)
    - removal of reference does not change the intent of the proposed provisions
  - **Outcome:**
    - **remove specific reference to compost manufacturing enclosed from SO9 and SO10**
- Attachment A – Table 4.1: SO9 and SO10
  - ICC comment:
    - include reference to *best practice management etc.* consistent with SO7
  - Department comment:
    - inclusion does not change the intent of the proposed provisions
  - **Outcome:**
    - **insert reference to best practice management in SO10**
- Attachment A – Table 4.1: language *protects v does not have an adverse impact*
  - ICC comment:
    - as protects implies an impact that needs mitigation where the does not have may suggest that the location should ameliorate impacts as a preference
    - consider using *does not have an adverse impact* as an alternative
  - Department comment:
    - preference to retain protects – however will consider how best to draft the provisions
    - despite what drafting is included in the TLPI, provisions are to be consistent
  - **Outcome:**
    - **department to consider replacing *protects* with *does not have an adverse impact*.**

[Redacted]

A/Planning Manager

**SEQ West**

Department of State Development, Infrastructure,  
Local Government and Planning

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[Redacted]

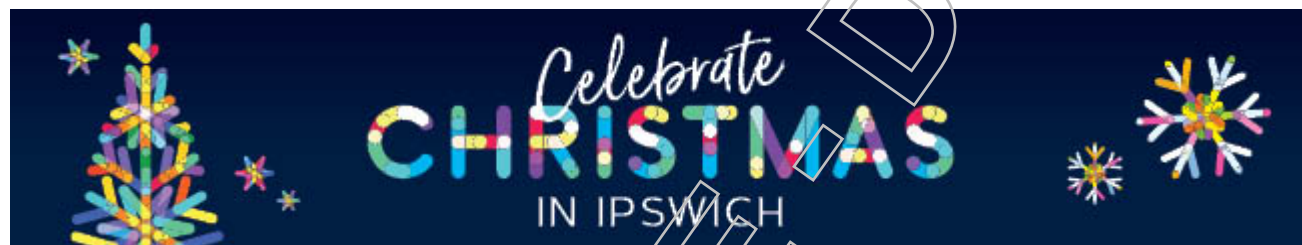
**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 11:50 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

Thankyou, I'll keep you informed as the day progresses.



[Redacted] Acting Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

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**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 11:25 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** ICC draft TLPI - summary of discussion (2 December 2021)

Hi [Redacted]

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[Redacted]

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[Redacted]

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equitable and reunited Australia.*



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DSDILGP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 11:29 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: ICC draft TLPI - summary of discussion (2 December 2021)

FYI – outcomes of discussion with ICC below.



[Redacted]

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

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---

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 11:25 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** ICC draft TLPI - summary of discussion (2 December 2021)

Hi [Redacted]

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equitable and renewed Australia.*



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Pages 1980 through 2003 redacted for the following reasons:

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Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP



[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 12:34 PM  
**To:** [Redacted]  
**Subject:** Re: ICC draft TLPI - summary of discussion (2 December 2021)

**Categories:** FYI

Hi [Redacted]

Do we need to discuss how this is tracking or are you happy with how it's progressed today?

[Redacted]

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**From:** [Redacted]  
**Sent:** Thursday, December 2, 2021 11:49:50 AM

**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

Thankyou, I'll keep you informed as the day progresses.



[Redacted] | Acting Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

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SDILGP



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**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 11:25 AM

**Subject:** ICC draft TLPI - summary of discussion (2 December 2021)

Hi [Redacted]

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Thanks

[Redacted]

## Summary of discussion (2 December 2021)

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[Redacted]

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

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RTI RELEASE SE

SDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 12:36 PM  
**To:** [Redacted]  
**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

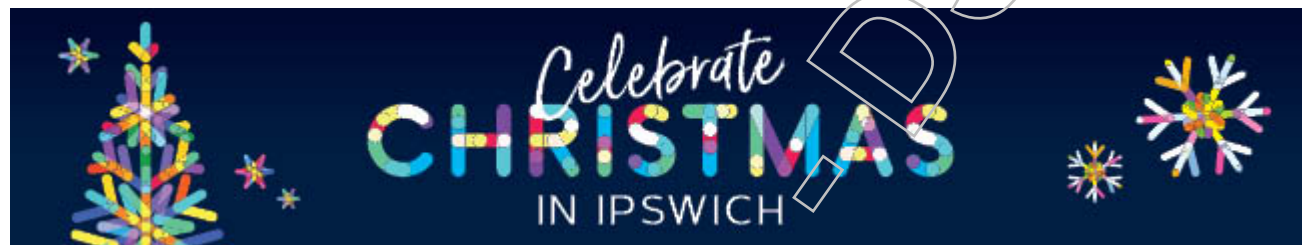
All good- just need to chat to the Councillors late today and work out the path from there.

Thanks, [Redacted]



[Redacted] Acting Manager, City Design  
Planning and Regulatory Services Department

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information



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---

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 12:34 PM  
**To:** [Redacted]  
**Subject:** Re: ICC draft TLPI - summary of discussion (2 December 2021)

Hi [Redacted]

Do we need to discuss how this is tracking or are you happy with how it's progressed today?

[Redacted]

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---

**From:** [Redacted]  
**Sent:** Thursday, December 2, 2021 11:49:50 AM

[Redacted]

**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

Thankyou, I'll keep you informed as the day progresses.

[Redacted] Acting Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department



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From [redacted]

Sent: Thursday, 2 December 2021 11:25 AM

Subject: ICC draft TLPI - summary of discussion (2 December 2021)

Hi [redacted]

Thanks for your time this morning. To round out the discussion, please see my summary below.

Please let me know if this does not capture your comments or understanding of the outcomes discussed.

I understand you're meeting with council after hours today and will provide any final council comment tonight or tomorrow morning.

Thanks  
[redacted]

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    - **insert provisions from resolved TLPI, excluding (d) any non-compliance with existing development approvals being addressed.**

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[Redacted Name]

A/Planning Manager  
**SEQ West**  
 Department of State Development, Infrastructure,  
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RTI RELEASE - DSDM - GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 12:37 PM  
**To:** [Redacted]  
**Subject:** Re: ICC draft TLPI - summary of discussion (2 December 2021)

Sounds good.

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**From:** [Redacted]  
**Sent:** Thursday, December 2, 2021 12:35:39 PM  
**To:** [Redacted]  
**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

All good- just need to chat to the Councillors late today and work out the path from there.

Thanks, [Redacted]



[Redacted] Acting Manager, City Design  
Planning and Regulatory Services Department

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DSDILGP



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**To:** [Redacted]  
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[Redacted]

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**Sent:** Thursday, December 2, 2021 11:49:50 AM

[Redacted]

**Subject:** RE: ICC draft TLPI - summary of discussion (2 December 2021)

Thankyou, I'll keep you informed as the day progresses.

[Redacted] | Acting Manager, City Design  
City Design Branch  
Planning and Regulatory Services Department

R





DRAFT

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From

Sent: Thursday, 2 December 2021 11:25 AM

**Subject:** ICC draft TLPI - summary of discussion (2 December 2021)

Hi

Thanks for your time this morning. To round out the discussion, please see my summary below. Please let me know if this does not capture your comments or understanding of the outcomes discussed. I understand you're meeting with council after hours today and will provide any final council comment tonight or tomorrow morning.

Thanks

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[Redacted]

A/Planning Manager  
**SEQ West**  
 Department of State Development, Infrastructure,  
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[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 2:18 PM  
**To:** [Redacted]  
**Subject:** Ipswich TLPI packages for source

Package 1 – MBN21/1783  
Package 2 – MBN21/1784

Regards

[Redacted]



**Queensland  
Government**

[Redacted]

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

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RTI RELEASED - DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 3:02 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Ipswich TLPI update  
**Attachments:** Ipswich TLPI runsheet.docx  
**Importance:** High

Hi all

Update on Ipswich TLPI today:

- Current status: 2 briefing packages under 2<sup>nd</sup> Legal Services review. Due back by COB today.
- 2 briefing packages will be finalised tonight to enter the approval chain to ED from tomorrow.
- Spoke with ICC this morning – we have accepted most of ICC’s latest officer comments on the TLPI doc.
- ICC are briefing councillors this evening which may result in further feedback/comments on the TLPI doc. Wanless will also be the subject of this discussion.
- TLPI doc will be peer reviewed / tested again by 2 different PDS offices.
- We have consulted with OCG, EDQ and Industry Development. They all support the TLPI.
- We have prepared a runsheet for comms/media and sequence of events to occur including the 2 briefing packages (attached).
- Info to support comms/media is being prepared now by PDS. Will be finalised tomorrow COB.

Regards

[Redacted]



**Queensland  
Government**

[Redacted]

Regional Director (South)  
**Planning and Development Services**  
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## Ipswich TLPI Runsheet

**Goal: TLPI in place asap (27 January 2021 is the last day before first TLPI falls over). Ideally made well before.**

Package 1 – MBN21/1783

Package 2 – MBN21/1784

Media package – TBA

- Gazette notice
- Newspaper notice
- Media statement
- Key messages / Holding lines
- Q and As

Calendar – Nov/Dec 2021

Mon 29 PDS prepare package	Tues 30 PDS prepare package	Wed 1 PDS prepare package	Thurs 2 PDS prepare package	Fri 3 ED review
Mon 6 ED review	Tues 7 SP review	Wed 8 SP/DG review	Thurs 9 DG review	Fri 10 DP serves notice on council of intent to make TLPI
Mon 13 Council response?	Tues 14 Council response?	Wed 15 Council response?	Thurs 16 Council response?	Fri 17 Council response?
Mon 20 Council response?	Tues 21 Wanless submissions close	Wed 22 DP decide to call in?	Thurs 23 DP decide to call in?	Fri 24 DP makes TLPI  Gazette notice at next possible date

## Steps to occur

### Once Package 1 is signed:

1. Planning Minister decides to “intend to make” the TLPI.
2. ED / State Planner calls Council CEO to advise of the Planning Minister’s decision to intend to make a TLPI (not mandatory).
3. Planning Corro/ESU send the Planning Minister’s letter serving notice on council.
4. Planning Corro/ESU confirm notice has been served (sent by email) to council.
5. PDS update Package 2 decision brief to confirm notice has been served and update relevant attachments.

### Once Package 2 is signed:

1. Planning Minister makes decision – final making of the TLPI.
2. TLPI only takes effect once published in gazette.
3. RD / ED advises council of the Planning Minister’s decision.
4. Planning Comms to arrange gazettal docs for TLPI and confirm when it is gazetted.
5. Planning Comms to arrange public notice in newspaper.
6. Planning Comms to update website.
7. Media Release issued.

### Document control

ACTION	RESPONSIBLE TEAM	STATUS
<b>Intention to make package – MBN21/1783</b>		
MBN (Intention to make)	PDS	Complete
Planning Assessment Report	PDS	Complete
Proposed TLPI	PDS	Complete
Human Rights Assessment	PDS	Complete
Notice to CEO including Statement of Reasons	Notice – PDS Statement of Reasons - LSU	Complete
Letter to Mayor (optional)	PDS	Not started
<b>Final making package – MBN21/1784</b>		
MBN (final making)	PDS	Complete
Planning Assessment Report (including any addendum for council response)	PDS	
Proposed TLPI (Final)	PDS	Complete
Human Rights Assessment	PDS	Complete
Notice to CEO including State of Reasons	Notice – PDS Statement of Reasons - LSU	Complete
Letter to Mayor (optional)	PDS	Not started
<b>Media and Communications package</b>		
Key messages / Holding lines	PDS / Planning Comms	In progress
Q&As	PDS / Planning Comms	In progress
Draft notice for Queensland Government Gazette / QLD Times	Planning Comms	In progress
Publish Notices	Planning Comms	Not started
Update website	Planning Comms	Not started

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 3:07 PM  
**To:** [Redacted]  
**Subject:** RE: TLPI source

Done – Doc - D21/237753 under MBN21/1783.

Thanks,  
[Redacted]



[Redacted]

Business Support Officer  
**Planning and Development Services – SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 3:01 PM  
**To:** [Redacted]  
**Subject:** RE: TLPI source

Can you use this one please

Regards



[Redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

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From [redacted]  
Sent: Thursday, 2 December 2021 2:52 PM  
To: [redacted]  
Subject: TLPI source

Hi [redacted]

Can you please upload the attached report to the Source package 1 container.

Regards



[redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

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Disclosing [redacted]  
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RTI REQUEST - DSDIL GP



[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 3:40 PM  
**To:** [Redacted]  
**Subject:** FW: ICC draft TLPI - summary of discussion (2 December 2021)

Di [Redacted] end this to you?

These will need to be updated in the TLPI doc.

Regards

[Redacted]



[Redacted]

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

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[Redacted]

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RTI RELEASE - SDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 4:18 PM  
**To:** [Redacted]  
**Subject:** MBN - Final making (Planning Group 02122022)  
**Attachments:** MBN - Final making (Planning Group 02122022).docx

Here is brief NO.2 – clean version – to be put on source MBN21/1784.

Regards

[Redacted]



**Queensland  
Government**

[Redacted]

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

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RTI RELEASE

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 4:37 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: TLPI Source

Great.

And the Human Rights Assessment x 2?

Regards

[Redacted]



**Queensland  
Government**

[Redacted]

Regional Director (South)  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
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**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 4:31 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** TLPI Source

Hi [Redacted]

[Redacted] is adding both the letter to council and notice and the MBN to make to Source now.

Regards



[Redacted]

Principal Planning Officer  
**SEQ West, Planning and Development Services**  
Department of State Development, Infrastructure,  
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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:** FW: Draft waste TLPI - updated clean version  
**Date:** Wednesday, 5 January 2022 9:41:36 AM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[image010.png](#)  
[image002.png](#)  
[image006.png](#)  
[image007.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)

---

[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

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PO Box 15009, City East QLD 4002

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**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 4:15 PM  
**To:** [redacted]  
**Subject:** RE: Draft waste TLPI - updated clean version

Hi [redacted]

Sorry I've been in interviews all day.

Is it ok if I look at this tomorrow?

Cheers,

[redacted]

Principal Planning Officer  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

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**From:** [redacted]

**Sent:** Thursday, 2 December 2021 3:37 PM

**To:** [redacted]

**Subject:** FW: Draft waste TLPI - updated clean version

Hi [redacted]

If you have capacity to undertake another peer review that would be really helpful. Ideally looking at section cross-referencing to make sure it all works etc.

Regards

[redacted]

[redacted]

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

Microsoft teams – [meet now](#)

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**From:** [redacted]

**Sent:** Wednesday, 1 December 2021 6:05 PM

[redacted]

**Subject:** FW: Draft waste TLPI - updated clean version

Hi all – FYI.

[redacted]

---

**From:** [redacted]



**Sent:** Wednesday, 1 December 2021 6:04 PM

**Subject:** Draft waste TLPI - updated clean version

Hi

Thank you for your time earlier today. As agreed, please find attached a copy of the latest clean version of the draft ministerial-led TLPI for your review and comment.

The key matters to note are:

- There have been no further changes to the:
  - background and context section of the TLPI since you reviewed the version on Monday 29 November.
  - Energy from Waste (EfW) provisions since you reviewed the version on Monday 29 November.
    - Definitions and provisions for EfW are considered to be objective and flexible, affording room for a performance based assessment to occur (i.e. size, scale etc)
  - Assessment provisions of waste activities at Swanbank and Ebenezer
    - It is understood that there is concern about having different assessment criteria apply to the different regulated areas. The alternative approach is to align the assessment provisions to be consistent with the newly proposed provisions for Ebenezer. These are highlighted in the attached document for your consideration and advice.
    - Please note – there is a minor change from the version as a result of improvements to sign-posting. SO4 has been split into two (now SO4 and SO5), but provisions are word for word and council's policy integrity remains.
- Amendments have been made to:
  - Section 2(1)(a) of the Waste Activity Code to include a single statement that will apply to both Swanbank and Ebenezer. We no longer seek to differentiate the two locations in the purpose, as this is unpacked in the assessment benchmarks. However the final position will be informed by the councils advice as requested above.
  - Restoring a Void provisions now cover both Swanbank and Ebenezer. This was a drafting error on the departments behalf and has been rectified in the current version of the draft TLPI.
- The department has attempted to maintain the councils proposed provisions for Resource Recovery Facilities. However, it is understood that there maybe some issues with how these provisions have been incorporated in the draft TLPI. Can council please confirm the drafting for this issue and the department will be happy to include it into the draft TLPI.
- Overall, other than the identified changes in policy, the department has sought to uphold the councils original policy intent in the proposed council drafted TLPI. There have also been a number of drafting amendments in which the department seeks to strengthen or

clarify the policy intent of the provision.

I appreciate that upon receipt of the latest version that you will now brief your council. Please let us know if we can provide further information to assist this process. Ideally, and subject to your internal discussions, we would like your feedback no later than the morning of Friday 4 December as we are now finalising the package.

As always, happy to discuss.



Executive Director  
**Planning and Development Services**  
**Planning Group**

Department of State Development, Infrastructure,  
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RTI RELEASE

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 4:37 PM  
**To:** [Redacted]  
**Subject:** RE: MBN - Final making (Planning Group 02122022)

Thank you - saved in Source.



[Redacted]  
Business Support Officer  
**Planning and Development Services – SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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**From** [Redacted]

**Sent:** Thursday, 2 December 2021 4:18 PM

**Subject:** MBN - Final making (Planning Group 02122022)

Here is brief NO.2 – clean version – to be put on source MBN21/1784.

Regards

[Redacted]



[Redacted]  
Regional Director (South)  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
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equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 5:26 PM  
**To:** [Redacted]  
**Subject:** Ipswich TLPI

Docs received this afternoon all saved 😊

Date Created	Record Number	Title
30/11/2021 at 9:27 AM	F21/13609	DSDILGP – PLANNING - PLANNING AND DEVELOPMENT SERVICES - PLAN
30/11/2021 at 9:30 AM	WR21/37211	Decision Documents - Final Making of Ministerial TLPI No. 1 of 2022 (Re
2/12/2021 at 2:38 PM	D21/237683	Draft Gazette and Public Notice - Repeal
2/12/2021 at 2:34 PM	D21/237681	Draft Gazette and Public Notice - Making
2/12/2021 at 10:42 AM	MBN21/1784	DEPUTY PREMIER DECISION BRIEF - Final Making of Ministerial Tempora
2/12/2021 at 5:17 PM	D21/237928	Attachment X - Human rights assessment - Final making of TLPI - Ipswic
2/12/2021 at 4:51 PM	D21/237896	Attachment X - Letter to council - Final making
30/11/2021 at 9:29 AM	WR21/37210	Decision Documents - intention to Make Ministerial TLPI No. 1 of 2022 (
2/12/2021 at 10:40 AM	MBN21/1783	DEPUTY PREMIER DECISION BRIEF - Intention to make Temporary Local F
2/12/2021 at 4:53 PM	D21/237903	Attachment X - Human rights assessment - Intention to Make TLPI - Ipsv
2/12/2021 at 4:29 PM	D21/237861	Attachment X - Letter to Council and Notice - Planning Group
2/12/2021 at 3:05 PM	D21/237753	Attachment X - Planning Assessment Report



[Redacted]

Business Support Officer  
**Planning and Development Services – SEQ West**  
Department of State Development, Infrastructure,  
Local Government and Planning

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equitable and reconciled Australia.



Pages 2033 through 2517 redacted for the following reasons:

-----  
Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP

**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** RE: Ipswich TLPI update  
**Date:** Thursday, 2 December 2021 6:04:31 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[ICC TLPI - Ru Sheet - Week starting 6 December.docx](#)  
[image005.png](#)  
[image006.png](#)

---

Hi All,

[redacted] have been briefed on the progress made the last 24hrs this afternoon.

In this briefing, [redacted] has confirmed that the Minister is likely to serve notice and make a decision mid-next week.

This means by Monday both briefs will need to be in the approval chain and all the comms collateral needs to be prepared and finalised.

Comms collateral includes:

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- Key Messages
- FAQs for:
  - E4W
  - Wandless
  - TLPI
  - Remondis
- MP Packs
- Gazette Notices
- Website content prepared and ready for activation

Can we please get ready to have the Comms pack material drafted and ready for DPO review by COB Monday at the latest.

Please find attached a more detailed run sheet which I will be providing to [redacted] tonight as well.

Happy to discuss.

---

**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 3:02 PM

[redacted]

**Subject:** Ipswich TLPI update  
**Importance:** High

Hi all

Update on Ipswich TLPI today:

- Current status: 2 briefing packages under 2<sup>nd</sup> Legal Services review. Due back by COB today.
- 2 briefing packages will be finalised tonight to enter the approval chain to ED from tomorrow.
- Spoke with ICC this morning – we have accepted most of ICC’s latest officer comments on the TLPI doc.
- ICC are briefing councillors this evening which may result in further feedback/comments on the TLPI doc. Wanless will also be the subject of this discussion.
- TLPI doc will be peer reviewed / tested again by 2 different PDS offices.
- We have consulted with OCG, EDQ and Industry Development. They all support the TLPI.
- We have prepared a runsheet for comms/media and sequence of events to occur including the 2 briefing packages (attached).
- Info to support comms/media is being prepared now by PDS. Will be finalised tomorrow COB.

Regards



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

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[Redacted]  
**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 6:05 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** ICC TLPI - draft run sheet  
**Attachments:** ICC TLPI - Ru Sheet - Week starting 6 December.docx

Hi [Redacted]

Please find attached the draft run sheet for next week.

Please let me know your thoughts.

Hear from you soon,

[Redacted]



[Redacted]  
Executive Director  
**Planning and Development Services  
Planning Group**  
Department of State Development, Infrastructure,  
Local Government and Planning

---

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ICC TLPI – Run Sheet for Decision 1 and 2.

<b>Minister Intends to make a TLPI</b>		
Action	Timing	Comment
State Planner endorses package	Monday 6 December	
DG endorses package	Monday 6 December	
Comms pack drafted ready for review	Monday 6 December	
DPO review package	Tuesday 7 December	
<b>Minister decides to intend to make TLPI</b>	<b>Wednesday 8 December - PM</b>	<b>No media required</b>
Notice served on Council	Wednesday 8 December	
Planning Group ring officers	Wednesday 8 December	
DPO to ring Mayor	Wednesday 8 December	

<b>Minister decides to make a TLPI</b>		
Action	Timing	Comment
State Planner endorses package 2	Wednesday 8 December	
DG endorses package 2	Wednesday 8 December	
DPO review package 2	Wednesday 8 December	
DPO finalise Comms Material	Wednesday 8 December	
DPO provide MPs with comms pack	Wednesday 8 December	
<b>Minister decides to intend to make TLPI</b>	<b>Thursday 9 December – AM</b>	
DP/CoS ring council	Thursday 9 December	Phone call made directly after decision
Planning Group ring officers	Thursday 9 December	Phone call made directly after decision
Planning Group Gazette decision	Thursday 9 December	To action as soon as decision made. Could take 1.5hrs depending on the time of day.
Planning Group/Comms update website	Thursday 9 December	Website needs to be live before media release drops so people can view the TLPI
<b>Media released issued</b>	<b>Thursday 9 December - PM</b>	
Planning Group/Comms put add in Courier Mail.	As soon as practical after the decision is made.	

**From:** [redacted]  
**To:** [redacted]  
**Cc:**  
**Subject:** RE: Ipswich TLPI update  
**Date:** Thursday, 2 December 2021 6:14:21 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[image009.png](#)  
[image010.png](#)

Thanks everyone....

Cheers

[redacted]

[redacted]

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

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**From:** [redacted]

**Sent:** Thursday, 2 December 2021 6:04 PM

[redacted]

**Subject:** RE: Ipswich TLPI update

Hi All,

[redacted] have been briefed on the progress made the last 24hrs this afternoon.

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Can we please get ready to have the Comms pack material drafted and ready for DPO review by COB Monday at the latest.

Please find attached a more detailed run sheet which I will be providing to  tonight as well.

Happy to discuss.

---

**From:**

**Sent:** Thursday, 2 December 2021 3:02 PM

**Subject:** Ipswich TLPI update

**Importance:** High

Hi all

Update on Ipswich TLPI today:

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Regards

[Redacted]

[Redacted]

Regional Director (South)

**Planning and Development Services**

Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – **meet now***

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RTI RELEASE - DSDILGP

[redacted]  

---

**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 6:15 PM  
**To:** [redacted]  
**Subject:** RE: Ipswich TLPI update

Good one [redacted] I assume PG comms are in the loop.....

---

**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 6:04 PM

[redacted]  
**Subject:** RE: Ipswich TLPI update

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**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 3:02 PM

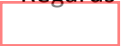
**Subject:** Ipswich TLPI update  
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**Queensland  
Government**



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

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I offer my respect to elders past, present and emerging as we work towards a just,  
equitable and reconciled Australia.*



[redacted]  
**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 6:21 PM  
**To:** [redacted]  
**Subject:** Re: Ipswich TLPI update

Yes, but the message will be more definitive tomorrow

This is [redacted] priority.

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---

**From:** [redacted]  
**Sent:** Thursday, December 2, 2021 6:15:12 PM  
**To:** [redacted]  
**Subject:** RE: Ipswich TLPI update

Good one [redacted] I assume PG comms are in the loop.....

**From:** [redacted]  
**Sent:** Thursday, 2 December 2021 6:04 PM

**Subject:** RE: Ipswich TLPI update

Hi All,

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Happy to discuss.

[redacted]  
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**Subject:** Ipswich TLPI update

**Importance:** High

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[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 6:22 PM  
**To:** [Redacted]  
**Subject:** RE: Ipswich TLPI update

**Categories:** FYI

Yep, perfect....

---

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 6:21 PM  
**To:** [Redacted]  
**Subject:** Re: Ipswich TLPI update

Yes, but the message will be more definitive tomorrow

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**To:** [Redacted]  
**Subject:** RE: Ipswich TLPI update

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[Redacted]

**Subject:** RE: Ipswich TLPI update

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[redacted]



[redacted]

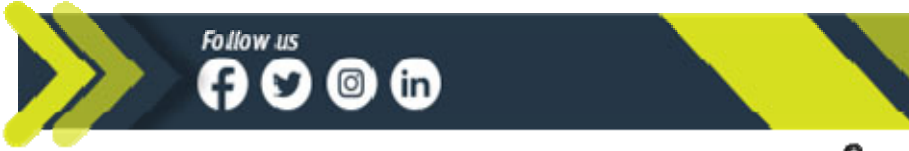
Regional Director (South)  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
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equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, 2 December 2021 8:28 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: Ipswich TLPI update  
**Attachments:** ICC TLPI - Ru Sheet - Week starting 6 December.docx

FYI. Big day tomorrow.

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](#)

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**From:** [Redacted]

**Sent:** Thursday, 2 December 2021 6:04 PM

[Redacted]

**Subject:** RE: Ipswich TLPI update

Hi All,

[Redacted] have been briefed on the progress made the last 24hrs this afternoon.

In this briefing, [Redacted] has confirmed that the Minister is likely to serve notice and make a decision mid-next week.

This means by Monday both briefs will need to be in the approval chain and all the comms collateral needs to be prepared and finalised.

Comms collateral includes:

- Media Statements
- Key Messages
- FAQs for:
  - E4W
  - Wandless
  - TLPI
  - Remondis
- MP Packs
- Gazette Notices
- Website content prepared and ready for activation

Can we please get ready to have the Comms pack material drafted and ready for DPO review by COB Monday at the latest.

Please find attached a more detailed run sheet which I will be providing to [redacted] tonight as well.

Happy to discuss.

[redacted]  
[redacted]  
**From** [redacted]

**Sent:** Thursday, 2 December 2021 3:02 PM

**Subject:** Ipswich TLPI update

**Importance:** High

Hi all

Update on Ipswich TLPI today:

- Current status: 2 briefing packages under 2<sup>nd</sup> Legal Services review. Due back by COB today.
- 2 briefing packages will be finalised tonight to enter the approval chain to ED from tomorrow.
- Spoke with ICC this morning – we have accepted most of ICC’s latest officer comments on the TLPI doc.
- ICC are briefing councillors this evening which may result in further feedback/comments on the TLPI doc. Wanless will also be the subject of this discussion.
- TLPI doc will be peer reviewed / tested again by 2 different PDS offices.
- We have consulted with OCG, EDQ and Industry Development. They all support the TLPI.
- We have prepared a runsheet for comms/media and sequence of events to occur including the 2 briefing packages (attached).
- Info to support comms/media is being prepared now by PDS. Will be finalised tomorrow COB.

Regards  
[redacted]

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



Queensland  
Government

Microsoft teams – [meet now](#)

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

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equitable and reconciled Australia.*



RTI RELEASE - DSDIL GP

Pages 2535 through 2536 redacted for the following reasons:

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Sch. 3(7) - Legal professional privilege

RTI RELEASE - DSDIL GP





Add and share your name and photo  
Set Up...



iMessage



Sorted with [redacted] Meeting with CEO  
and [redacted] and KD.

Fri, 3 Dec, 1:22 pm

Have we heard from Ipswich today?

Can you please ring him if we  
haven't had any contact today

Yes. [redacted] and I just had quick catch  
up with [redacted]. Will summarise in  
email to you.

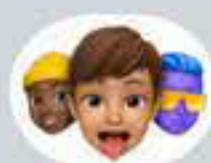
Is there a big or a little problem?

The councillors just want the  
strongest protections possible so  
they aren't happy with the loosening  
of Ebenezer. They would prefer ICC  
make the TLPI.

FYI - I have spoken to [redacted] to say  
thank you to him for his efforts this  
week.



iMessage





Add and share your name and photo  
Set Up...



updates as things progress. Thank you!

Fri, 3 Dec, 10:57 am

Not urgent. Ring me if you can but no major. I hope you're enjoying the steamy conditions today 😄

Sat, 4 Dec, 10:52 am

Hello! My goodness I left my phone in my handbag and am only just checking messages from yesterday now. I hope everything is ok? I can chat anytime over weekend if urgent? Really sorry

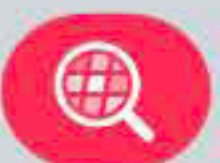
All good Speak Monday. Absolutely nothing to worry about. All on track for TLPI. Enjoy the weekend 🧐

Thank goodness for the two last week. Thanks for update. Looking forward to chatting Monday 😊

Mon, 6 Dec, 1:51 pm



iMessage





I'll ring you shortly. I have been held up.

Fri, 3 Dec, 1:59 pm

Hi [redacted]  
Just ringing to say thank you for your efforts this week. Really appreciate that this has created extra work for you.  
We will touch base Monday and make sure you have the latest version of the TLPI.  
Have a great weekend.  
[redacted]

Wed, 8 Dec, 1:05 pm

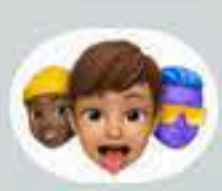
You missed a call, but the caller didn't leave a message.

Wed, 8 Dec, 3:31 pm

I understand this afternoon the Deputy Premiers office has made contact with Mayors office to discuss key messages etc.



Text Message



[Redacted]

**From:** [Redacted]  
**Sent:** Friday, 3 December 2021 5:26 AM  
**To:** [Redacted]  
**Subject:** Re: Ipswich TLPI update

**Categories:** FYI

Thanks [Redacted]

It's [Redacted]

[Redacted]

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

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

[Redacted]

**From:** [Redacted]

**Sent:** Thursday, December 2, 2021 6:04:26 PM

**Subject:** RE: Ipswich TLPI update

Hi All,

[Redacted] have been briefed on the progress made the last 24hrs this afternoon.

In this briefing [Redacted] has confirmed that the Minister is likely to serve notice and make a decision mid-next week. This means by Monday both briefs will need to be in the approval chain and all the comms collateral needs to be prepared and finalised.

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Please find attached a more detailed run sheet which I will be providing to [Redacted] tonight as well.

Happy to discuss.

[Redacted]

**From:** [Redacted]

**Sent:** Thursday, 2 December 2021 3:02 PM

[Redacted]

**Subject:** Ipswich TLPI update

**Importance:** High

Hi all

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Regards

[Redacted]



[Redacted]

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

Microsoft teams – [meet now](#)

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RTI RELEASE

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, 3 December 2021 11:04 AM  
**To:** [Redacted]  
**Subject:** Fwd: Ipswich Waste TLPI - 011221 (LLWBB comment)  
**Attachments:** Ipswich Waste TLPI - 011221 (LLWBB comment).docx

FYI

Get [Outlook for iOS](#)

**From:** [Redacted]  
**Sent:** Friday, December 3, 2021 10:20 am  
**To:** [Redacted]  
**Subject:** Ipswich Waste TLPI - 011221 (LLWBB comment)

Still working through the document – some initial comments attached.

I'm trying to understand the operation of the TLPI now while in the Strategic Planning Workshop.

Regards,

[Redacted]



[Redacted]

Manager – Wide Bay Burnett  
**Planning and Development Services**  
Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – [meet now](#)

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

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RTI

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**TEMPORARY LOCAL PLANNING INSTRUMENT No. 1  
of 2022 (RESOURCE RECOVERY AND WASTE  
ACTIVITY REGULATION)**

**Ipswich Planning Scheme 2006**

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**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. 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.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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

- 1.7. 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 Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill 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-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) 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) ~~v~~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**

- 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 – 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**.
- 6.3. 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) The Planning Scheme (unless stated otherwise)
- 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. 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 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.

- 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 [LL1]:** Suggest spell out reference fully – AS 4454-2012. Frp srww#r: Hf rgg ltr qhu#lqg#p xdkhv

## 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 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 Waste Activity Code constitutes undesirable development and is assessed against the Part 3 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) 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.
  - (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 Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
    - (ii) occurs in the Swanbank/New Chum Regulated Activity Area;
    - (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. 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 minimising environmental emissions and amenity impacts on existing and proposed residential areas;
- (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.

**Commented [ND2]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

Note – this content is consistent with the intent of the Ministerial TLPI 02/2020.

### 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, where relevant.

**Table 3.1: Application of Specific Outcomes**

Development	Relevant provisions
Development within the Swanbank/New Chum regulation area	SO1 – SO5; and SO11 – SO18
Development with the Ebenezer/Willowbank / Jeebropilly regulation area	SO6 – SO10; and SO11 – SO18

### 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**

<b>Column 1 Specific Outcomes</b>		<b>Column 2 Probable Solutions</b>
<b>Swanbank/New Chum Regulation Area – Restoring a Void</b>		
(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 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.	No probable solution provided
<b>Swanbank/New Chum Regulation Area – Waste Activities</b>		
(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	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
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.	
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area – Restoring a Void</b>	
(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
<b>Ebenezer/Willowbank/Jeebropilly Regulation Area – Waste Activities</b>	
(9) 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
(10) 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;	No probable solution provided

**Commented [ND3]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

**Commented [ND4]:** If council elects for the same TLPI provisions to apply across all areas (i.e. Swanbank/New Chum Regulated Activity Area and Ebenezer/Willowbank/Jeebropilly Regulated Activity Area), these provisions will apply.

Column 1 Specific Outcomes	Column 2 Probable Solutions
(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.	
<b>Waste Activities (Landfill)</b>	
(11) 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
<b>Waste Activities (Energy from Waste Facility)</b>	
(12) 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
(13) 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
<b>Filling and earthworks</b>	
(14) 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
(15) 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	15.1 Filling or earthworks does not result in filling beyond the Top of Void.

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>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>	
<b>Landscaping and visual amenity</b>	
<p>(16) Waste Activities or Restoring a Void are designed and managed to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.</li> </ul>	<p>No probable solution provided</p>
<b>Stormwater and groundwater management</b>	
<p>(17) Waste Activities or Restoring a Void are designed, operated and maintained to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) not result in any increase in contaminant loads in the receiving environment on or off the premises;</li> <li>(c) where possible, improve the quality of runoff to nearby surface and ground water;</li> <li>(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;</li> <li>(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;</li> <li>(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</li> <li>(g) for Landfill, include an adequately</li> </ul>	<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>(18) 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
<b>USES IN THE REGULATED BUFFER AREA</b>		
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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>USES IN THE REGULATED ACTIVITY AREA</b>		
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 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 – 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
Waste Activity involving Compost Manufacturing Enclosed	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 Compost Manufacturing Unenclosed – 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

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 3 of TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
<b>UNSPECIFIED USES</b>		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

## ATTACHMENT C: 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*

- (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.”

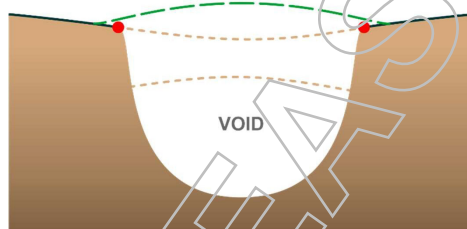
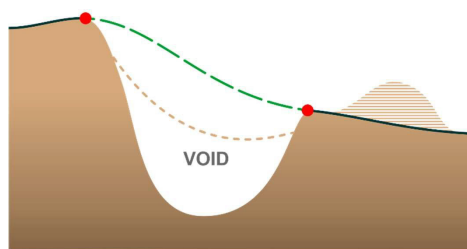
- 8.4 **“Energy from Waste Facility”** means the extraction of energy from waste materials. The energy can be extracted in the form of solid, liquid, or gaseous fuels, heat, or electricity generated using the former.
- 8.5 **“Finished Product”** means an organic product/s that has undergone controlled 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 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 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.



- 8.13 **“TLPI Boundary”** means the regulation areas shown on the map in Attachment F.
- 8.14 **“Void”** means Any void created from or remaining on premises after the conduct of any mining activity or extractive industry.
- 8.15 **“Waste Activity”** means—
- the use of premises for:
    - “Compost Manufacturing Enclosed”;
    - “Compost Manufacturing Unenclosed”;
    - “Energy from Waste Facility”
    - “Landfill”;
    - “Resource Recovery Facility”; and
  - 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 BOUNDARY

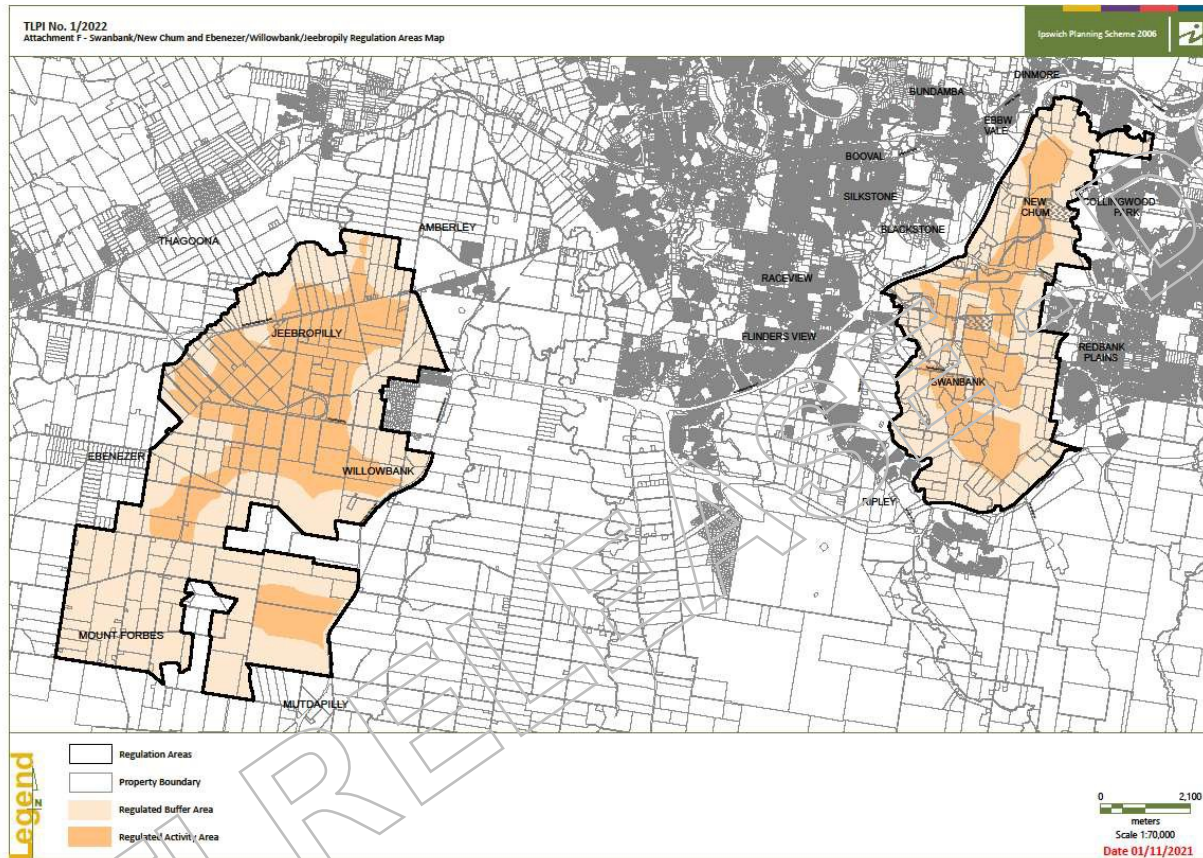


FIGURE 2: SWANBANK/NEW CHUM REGULATION AREA OVERLAY MAP

