

**From:** [DLO DSDILGP](#)  
**To:** [Correspondence from DSDILGP](#)  
**Cc:** [Teresa Luck](#); [Planning Correspondence](#); [Maria Hubon](#)  
**Subject:** INCOMING CORRO - Request to Call In Development Application - Wanless  
**Date:** Friday, 1 October 2021 3:59:43 PM  
**Attachments:** [image001.gif](#)  
[image007.png](#)  
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[image005.png](#)

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<b>Ministerial Correspondence</b> <b>Hon Steven Miles MP</b> , Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning <b>Nikki Boyd MP</b> , Assistant Minister for Local Government	
<b>Allocate to lead: Planning</b> <b>Input required from/Copy to:</b>	
1. No response necessary (NRN) 2. Referral to: 3. Dept for appropriate action (DFAA) 4. Dept to call and resolve 5. Dot points	<u>Response timeframe</u> 1. 5 days (Priority) 2. 10 days (Standard) 3. 15 days (Complex) 4. Other:
<u>Response from (Template)</u> 1. Minister 2. Minister – <u>constituent</u> 3. Assistant Minister 4. Assistant Minister – <u>constituent</u> 5. Chief of Staff 6. Department / QRA	<u>Contact person in response</u> 1. Chief of Staff 2. Department / QRA Officer 3. Other:
<u>Briefing Note</u> 1. Decision 2. Noting 3. If Dept deems necessary	<u>Instructions</u> I am happy for the due date for this request to be adjusted in accordance with the call in timeframes

**Davina Suttie**

Departmental Liaison Officer  
**Office of the Director-General**  
Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – **meet now**

P Access refused M Access refused ur

Level 39, 1 William Street, Brisbane Qld 4000  
PO Box 15009, City East Qld 4002

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

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**From:** Deputy Premier <deputy.premier@ministerial.qld.gov.au>  
**Sent:** Friday, 1 October 2021 3:50 PM  
**To:** DLO DSDILGP <DLO@dsdilgp.qld.gov.au>  
**Cc:** Alyssa Van Butzelaar <Alyssa.VanButzelaar@ministerial.qld.gov.au>; Peter Spencer <Peter.Spencer@ministerial.qld.gov.au>; Danielle Cohen <Danielle.cohen@ministerial.qld.gov.au>  
**Subject:** FW: Request to Call Development Application In

Department – to register

DPO – Responsible Advisor to notify the DP if necessary/urget

Admin - I will add this to the DP's VIP corro

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**From:** Access refused under s.47(3)(b) @urbis.com.au>  
**Sent:** Friday, October 1, 2021 3:00 PM  
**To:** Deputy Premier <deputy.premier@ministerial.qld.gov.au>; Danielle Cohen <Danielle.Cohen@ministerial.qld.gov.au>  
**Cc:** Access refused under @urbis.com.au>; Access refused under s.47(3)(b) of the RTI Act. Disc @urbis.com.au>  
**Subject:** Request to Call Development Application In

Hi Danielle,

Please find attached on behalf of the applicant, Wanless Recycling Park Pty Ltd, a request for the Minister to call the development application in. Please let me know if you have any questions regarding this,

Kind regards,

Access refused under s.47(3)(b)



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30 September 2021

Mr Steven Miles,  
Deputy Premier of Queensland  
C/- Mr Damien Walker  
Director General  
Department of State Development, Infrastructure,  
Local Government & Planning  
1 William Street  
BRISBANE QLD 4000

Dear Mr. Miles,

## REQUEST TO CALL IN DEVELOPMENT APPLICATION – RESOURCE RECOVERY AND RESIDUAL LANDFILL OPERATION, EBENEZER QLD

We write to you to request that you issue a proposed call in notice for a development application for a Material Change of Use for a Waste Activity Use that includes recycling, resource recovery and a landfill operation for associated residual waste at Ebenezer ('the **Application**'). The application and site details are as follows:

- ICC's development application number is 10674/2019/CA.
- The site address is 266-304 Coopers Road, Willowbank, 82A Lanes Road, Ebenezer, 82B Lanes Road, Ebenezer, 82C Lanes Road, Ebenezer, 82D Lanes Road, Ebenezer, 82E Lanes Road, Ebenezer, 82F Lanes Road, Ebenezer, 350 Coopers Road, Willowbank, 166-198 Bergmans Road, Ebenezer, 202-282 Bergmans Road, Ebenezer, Lot 257 Unnamed Road, Ebenezer, Lot 312 Coopers Road, Ebenezer, 82H Lanes Road, Ebenezer, and Lot 1 Coopers Road, Ebenezer ('the **site**').

This request is being made on behalf of Wanless Recycling Park Pty Ltd ('**Wanless**'), the applicant for the development application. Wanless is a renowned operator within the waste industry, currently operating a significant recycling operation from their Sydney Recycling Park in Kemps Creek, NSW. At this site, Wanless is achieving a recycling rate exceeding 80% of all material received on site. The business was initially started in Brisbane, before expanding to Sydney. Wanless is now looking to expand their business towards Ipswich, seeking to establish a recycling and resource recovery facility within Ebenezer, west of Ipswich ('the **project**').

The project itself represents a significant investment within South East Queensland that should be considered as a State Interest for the following reasons:

1. The project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50

ongoing permanent jobs from the commencement of the operation of the site, representing a significant economic investment within South East Queensland.

2. The project clearly aligns with various State Government and Ipswich City Council policies that seek to increase recycling rates within QLD and promote a cyclical economy as a driver for increasing recycling and reducing reliance on landfill operations, identifying new investment within the resource recovery sector as the only way to achieve greater recycling. Wanless is a significant economic investment in South East Queensland, to establish a facility that will be targeting a 45-60% recycling rate. As a standalone operation, the modelling demonstrates the development will increase Queensland's, as a State, recycling rate by 4.1%, considerably contributing to the goal of achieving a State recycling rate of 90% by 2050.
3. The proposed development will provide for the remediation of previous mining activities on the site that have resulted in several large mining voids remaining on the property. Under the current obligations for site remediation attached to the previous mining activities (as stipulated under the existing Environmental Authority EPML00594013), the former mining voids will not be filled and only stabilisation works will be required. Under the current proposal, private capital will be used to fill Lanes and Iron Bark pits with a combination of residual waste and clean fill material, restoring the landform to close to its pre-mining contours.

## THE PROJECT

Under the development proposal, the site will receive up to 1 million tonnes of waste material annually at the full operation, which is expected to be achieved in year seven of operation. Approximately 90% of all waste that enters the site will go through the recycling process within the site's resource recovery facilities, ramping up from 45% from the commencement of the operation. Only 10% of waste received will bypass the recycling facilities and this will only occur for waste streams that are unable to be recycled in any fashion (i.e. asbestos materials). The operation will employ best practice recycling technology to facilitate the proposed recycling rate.

The Resource Recovery Facility encompasses 26,880m<sup>2</sup> of enclosed floor area within which all of the recycling activity will occur. This area on site will consist of the following:

- Four (4) Transfer and Resource Recovery Facilities (primary operations) – 2 for Construction & Demolition (C&D) / Commercial & Industrial (C & I) waste (dry waste) and 2 for municipal waste (wet / putrescible waste) associated with Ironbark Pit and Lanes Pit
- Four (4) Transfer and Resource Recovery Facilities (secondary operations) with the purpose to take sorted goods from primary operation to either store, recycle, or recover further material. Two facilities will be associated with dry waste and two will be associated with general / municipal waste.

The types of recycling processes that will occur within the proposed Resource Recovery Facility buildings are outlined below:

- Shredding;
- Screening;
- Crushing;
- Magnetic and eddy current separation;
- Optical sorting;

- Hand picking; and
- Air classification.

It is noted that no chemical processes will be employed on site as part of the resource recovery operation. The materials that are sought to be recovered on site include, but are not limited to, timber, paper, cardboard, metals, aggregates, soils, bricks, green waste, concrete rubble, plastics and fabric. Both Council and DES have approved the recycling operation on the site, endorsing the site as an appropriate site for the recycling of waste. The conditions of approval from both Council and DES require mechanical recycling processes to be contained within the proposed buildings, and any putrescible waste recycling, processing or storage to occur under negative air pressure with air extraction systems. The recycling buildings will be fitted with dust and odour collection systems, and fully contained within the negative pressure environment, which also forms part of the conditions of the Environment Authority. Air which is removed from these buildings is passed through a dust collection system before being processed through a Bio Filter, which effectively treats the odours and is the accepted best practice for eliminating organic based odours. This is to ensure that no odour from recycling is experienced off site.

The residual waste will be transferred to Lanes and Ironbark Pits, which will provide approximately 18 years of landfill air space. The strategic advantage of locating the recycling operation adjacent to the landfill space is central to the development proposal and assists in mitigating impacts associated with waste transportation that would otherwise be necessary if the landfill was located offsite.

## APPLICATION CONTEXT

The project is proposed via a development application to Ipswich City Council that formally includes the following specific elements:

- **Reconfiguring a Lot** – Development Permit for a Boundary Realignment (13 into 5 Lots)
- **Material Change of Use**
  - *Waste Activity Use* involving a Landfill
  - *Waste Activity Use* involving Rehabilitating a Mining Void
  - *Waste Activity Use* involving Waste Recycling, Reprocessing and Disposal (Special Industry)
  - *Waste Activity Use* involving Crushing, Milling or Grinding
- **Environmental Relevant Activities**
  - 54 – Mechanical Waste Processing
  - 60 – Waste Disposal
  - 62 – Resource Recovery and Transfer Facility Operation

The below is an overview of the timeline of the application and the comprehensive assessment from both the State Government and Ipswich City Council:

- Lodged with Ipswich City Council 19 December 2019
- Information Requests issued by Ipswich City Council on 20 January and from SARA on 18 February 2020



- Information Requests responded to by the Applicant 27 April 2020
- Public Notification Period ran from 13 May 2020 to 5 June 2020. A total of 60 submissions were received by Council regarding the development application.
- Referral Agency Approval from Department of Environment and Science (DES) and State Assessment Referral Agency (SARA) was received on 2 July 2021.
- Council carried out its assessment of the application which included an Independent Development Review Panel process and Public Hearing on 19 August
- Council decided the application at a Full Council Meeting on 16 September and issued its decision notice on 17 September.

Notably, DES and SARA moved to approve all components of the application including the resource recovery component and the residual waste landfill operation. This approval was achieved after 15 months of working with the State Departments to resolve all issues that were associated with the development. The approval includes conditions that restricts the movement of coal tailings from the previous mining activities on the site until the management of the tailings is fully resolved which by virtue of the condition, does not permit waste filling the occur within the Tailing's Dam under the current development application.

While Ipswich City Council's decision represents a part approval of the development application, it does not provide a development approval that can be acted upon by Wanless and renders the project unfeasible. An approval to operate the recycling facilities in isolation of the landfilling operation significantly impacts on profitability and sustainability of the operation. Recycling, particularly within the Queensland context, cannot currently achieve a 100% recycling rate from the commencement of the operation and as such, residual waste will be created. Without being able to dispose of the residual waste on the same site, the costs of transportation of the residual waste offsite and competitive gate fees at other landfilling operations will have an enormous impact on the viability of the project.

## **PLANNING CONTEXT**

The site is located within Ipswich City Council area, to the west of Ipswich City in Ebenezer. The surrounding area is characterised by historic mining activities, existing landfill operations, Amberley Air Base, and a combination of rural and urban residential areas. The site is specifically zoned as a Regional Industry and Business Investigation Area under the Ipswich City Planning Scheme, which highlights that the area is an appropriate area for industrial and business activities, subject to investigation into the historic land uses and overcoming associated land constraints caused. The development site is heavily disturbed by the previous mining activities, most notably the significant voids that remain on the site from the previous mining activities.

In addition to the Ipswich Planning Scheme, the site is also regulated by Council's Temporary Local Planning Instrument ('**TLPI**') No. 2 of 2020 (Waste Activity Regulation). The TLPI seeks to regulate new and expanded waste operations within the Ebenezer, Willowbank and Jeebropilly locality. The TLPI establishes a Waste Activity Area and a Waste Activity Buffer Area to regulate the area within which waste activities can be established.

The proposed development responds directly to Council's TLPI and did not propose any waste activity uses outside of the Waste Activity Area, taking into consideration all recycling operations and residual landfilling on site. Complying with the provisions of the TLPI comes at the cost of a significant portion of the Lanes Pit mining void – the portion of the void is proposed to be filled with clean fill only in accordance with the TLPI provisions.

The planning framework promotes the area as being an appropriate location for both business and industrial activities under the provisions of the Ipswich Planning Scheme as well as Waste Activity Uses in accordance with the TLPI over the site. Notwithstanding the planning intent for the site under the planning framework, potential amenity and environmental impacts of the proposed development must be considered. Over a 22 month period, Wanless has worked through a substantial body of technical reporting to ensure the development is designed and constructed to protect the established surrounding areas, as well as the natural environment.

## STATE INTERESTS

In the following section, an assessment is provided of the alignment between the proposed development and the relevant State Interests of the Queensland Government. The State Interests are determined having regard to key planning and strategy documents – the State Planning Policy (SPP), ShapingSEQ and the Queensland Waste Management and Resource Recovery Strategy.

### State Planning Policy

The SPP outlines the planning policies and interests of the State Government for incorporation into the planning and assessment frameworks and includes State Interest statements. The following provides an assessment of those parts of the SPP that are applicable to the current development application.

4. Development and construction: Employment needs, economic growth and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed-use development opportunities

The proposed development includes \$200 million of investment within the Ipswich LGA. The development will introduce 300 construction jobs and 50 direct operational jobs at the time the facility opens. The opportunity on the site to create and grow additional jobs as the operation grows with time is significant and additional to the job numbers stated above. The project presents a significant economic investment in a currently underutilised and derelict site. In the event that the residual landfill operation does not receive approval, this investment and job creation opportunity will be lost.

In its current form, there is limited economic growth generated from the site. The mining lease rehabilitation requirements permit the existing voids to be retained on site as “water storage and fauna habitat”. In order for the site to generate economic development and job opportunities, the voids must be filled and rehabilitated. Without the proposal, there is no prospect that the voids will be filled with clean fill and rehabilitated back to natural ground level as there is no economic incentive or regulatory requirement to do so and it would be cost prohibitive. Utilising the voids for disposal of residual waste from the proposed resource recovery achieves both economic development on the site and increases job opportunities by making the recycling operation viable to operate. The residual waste disposal also assists in returning the mining voids to natural ground level, while also generating economic activity which is a significant improvement on the existing requirements for the site.

In short, the proposal presents an economic development opportunity where there is limited opportunities to do so currently. Combined with the residual waste disposal on site, the proposal creates significant long term job opportunities for the area. In the current approved form, without the residual waste disposal, the project is unlikely to proceed.

5. Biodiversity: Matters of environmental significance are values and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.

The site is identified as having a number of environmental values that ought to be protected including remnant habitat vegetation, protected vegetation, koala movements, groundwater linkages, and surface water runoff. The matters of biodiversity have been assessed through the development application, and the proposed development has been approved by both State Government and Ipswich City Council.

The significant body of technical environmental assessments that have been prepared by the applicant outline that any potential impacts associated with the development can be ameliorated through site design and conditioning of the development. A number of management reports and site operational manuals have been approved and conditioned through the development assessment process. The conditions also include an offset in which 22.9ha of additional koala habitat is required to be established on site in response to vegetation being removed. The location of this offset on site has been selected to optimise koala movement through the site and connect to existing vegetation communities external to the site.

The proposed development includes disposing of waste in proximity to the groundwater table. Significant discussions with the State Government have resulted in an agreed approach to design the landfill liner system to include groundwater relief systems that will monitor the flow of ground in and around the liner system to ensure no cross contamination of either landfill cells or the groundwater. The permit issued from DES outlines conditions that ensure that this is delivered on site and continuously maintained.

The development will also require the existing voids be dewatered to create the residual waste landfill cells. Extensive modelling and testing have been conducted through the application material to provide a dewatering strategy for the voids that will permit the voids to be progressively dewatered with no environmental impact downstream of the development. This strategy has been assessed and approved by DES.

The site at present is in a degraded environmental state, with limited activity occurring on site. The proposed development seeks to support existing ecological processes on site, by ensuring impacts are ameliorated and managed appropriately. Establishing the proposed development will create the necessary economic opportunities on the site to make rehabilitation and enhanced ecological outcomes a possibility.

6. *Emissions and hazardous activities: Community health and safety, and the natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure and sport and recreation activities is ensured.*

The importance of appropriately located and designed industrial development is a key driver under the SPP to ensure that community health and safety is protected at all times. The development site is located within a Regional Industry and Business Investigation Area under the Ipswich Planning Scheme and the defined Waste Activity Area under the Council's TLPI. The development proposal, therefore, aligns with the general planning intent for the site, as identified by Council in the relevant planning documents.

Reviewing the site context from a first principles point of view, the site is located within a predominantly rural and industrial area, within a precinct that is historically degraded through open cut mining activities. An existing landfill operation is located on the adjoining landholding, with the active landfill operation 500m from the site boundary, similarly using a previous mining site to facilitate a landfill operation. The site is also bordered by the Willowbank Motorsports Precinct, which includes a racetrack and drag strip. In addition to this, Amberley Air Base is located 4.5km from the site. The existing collection of land uses within the area, coupled with Council's planning



intent of the site, indicate the area is appropriate to establish industrial land uses with management of potential nuisance impacts in terms of air quality or noise.

Wanless has engaged a number of technical consultants to assist in the design and construction of the proposed development to ensure that no nuisance impacts are experienced offsite. A number of recommendations have been made, assessed and approved by DES and Council regarding the operation of the development. This highlights that the proposed development is able to operate and align with the State Interest of protecting community health and safety.

## ShapingSEQ

ShapingSEQ advances state interests by *“providing a spatial context, defining key outcomes, and establishing planning strategies and directions to achieve these outcomes in response to SEQ’s unique values, drivers, expectations, projections and constraints.”* ShapingSEQ provides the basis for prioritising, qualifying or resolving the state interests in SEQ. The ShapingSEQ document sets out a variety of themes that for development. The key themes that are pertinent to this context are stepped out herein.

### 7. *Theme 2 – prosper: a globally competitive economic powerhouse (which focuses on jobs and employment opportunities)*

As mentioned previously, the proposal represents a \$200 million investment into a dilapidated site to create a world class recycling and resource recovery facility. Wanless is in the business of recycling and seeks to employ class leading technology within the development to ensure the resource recovery on site is maximised. Wanless is seeking to replicate their successful Sydney Recycling Park in South East Queensland, which utilises a number of the technological innovations to maximise recycling rates.

This site and proposed development represent an opportunity to create economic development on a challenging and derelict site and to establish a market leading recycling facility. Recycling is a growing and increasingly important industry in accordance with the Queensland Government’s strategic objectives and capital investment in the requisite infrastructure is essential to take the industry forward.

In addition to creating a economic opportunity for the recycling industry within the South East Queensland, the development will create job opportunities on a local scale with 300 construction jobs and 50 permanent operational jobs at the commencement of the operation.

### 8. *Theme 4 – sustain: promoting ecological and social sustainability*

The development site at present is a significantly degraded due to the previous mining activities on the site. The mining activities have impacted the ecological sustainability and social sustainability of the site, with limited opportunities for reuse and economic investment.

The project, if it were to proceed, would see the site rehabilitated through conditions requiring habitat creation and the offset of koala habitat trees removed to establish the operation (at a rate of three trees to every one removed). The rehabilitation of the site will only be possible via the economic activity generated through the proposed development.

As part of the assessment of the site and the proposed development, significant testing and assessment of the groundwater and water management of the site was undertaken. This assessment has determined the most appropriate mitigation measures to manage the interaction of the waste activity uses, particular the residual waste disposal within the mining voids. A dewatering strategy has been developed and approved to remove the water from the existing



mining voids in a manner that will not have a detrimental impact on the receiving environment. A groundwater relief system has been designed to ensure that there is no interaction between the groundwater around the voids and the landfill cells. All site operations are to be managed in accordance with the suite of management plans that have been approved by DES for the site, as well as the numerous operational plans that will be prepared in accordance with the conditions of approval.

## Queensland Waste Management and Resource Recovery Strategy

The State Government released the *Queensland Waste Management and Resource Recovery Strategy* in 2021, which provides a strategic framework to assist in transitioning Queensland to a circular economy and a zero-waste society supported by a heightened reliance on resource recovery. The strategy outlines targets to be achieved by 2050 for 90% of waste to be recovered (without going to landfill) and 75% of waste to be recycled across all waste targets. The strategy provides a staged approach to achieving the target rates.

The strategy is underpinned by three key strategic priorities, each with initiatives targeted at State Government, Local Government and Waste Industry Operators:

- **Reducing the impact of waste on the environment and communities**

- *The sector has an important role to play in protecting the environment by positioning recycling and resource recovery facilities in strategic locations that minimise impacts on communities, taking action to reduce waste disposal that effectively minimises impacts on communities, managing landfill sites and reducing the transport of waste and recycled materials. The sector must also continue to educate its members about appropriate management actions for particular wastes, to ensure proper treatment, recycling and disposal.*

The proposed development is located in a strategic location and is consistent with the local planning intent for the land and direction for the locality. The site provides the opportunity for waste to be recycled and residual waste to be disposed of on the same site. Furthermore, the operations are buffered from adjoining sensitive land uses, with the nearest residential uses being located 800m from the site boundary, 1200m from the recycling facility and 900m from the landfill void.

As a combined resource recovery facility and residual waste disposal operation, the project minimises the transport of waste and recycled materials within the wider community. Waste to the site is received, with 90% of waste undergoing recycling processes, with between 45-60% of the waste received on site recycled. Any material that is unable to be recycled on the site can be disposed of on site and, as such, does not create additional transport impacts on the surrounding community. The decision by Ipswich City Council directly conflicts with this intent, meaning that any material not being able to be recycled will have to be transported to another site and disposed of off-site. The outcome of this decision is additional transportation impacts and avoidable transportation of waste materials through the community.

Wanless seeks to establish a market leading waste management operation on the site that creates an exemplar recycling operation, similar to the Sydney Recycling Park, to lead the South East Queensland waste industry in a new direction towards a better waste future.

- **Transition to circular economy for waste**

- *The waste management and resource recovery sector as the key waste management provider is well placed to drive the growth and investment required to grow the sector. The industry has a commercial and ethical responsibility to inform and educate its business clients about how to*

*reduce waste and increase recycling and offer service options that provide them with real choice about the level of recycling they want to adopt. The willing participation of the waste management and resource recovery sector, in partnership with the Queensland Government, is vital to the Strategy's success.*

A key principle under the transition to a circular economy with regards to waste in Queensland is the establishment of recycling projects and investment in the recycling industry. Wanless is seeking to establish a \$200 million project within South East Queensland, targeting a 45-60% recycling rate on the site. As a standalone operation, the development will increase Queensland's recycling rate by 4.1%, which significantly contributes to the goal of achieving a State recycling rate of 90%. Through the proposed development, Wanless is delivering on the Strategy's directive on investing within the recycling industry in South East Queensland.

The Waste Infrastructure Report released by DES in 2019 highlights that the existing industry "capacity is designed to process clean source separate masonry materials" as such, there are "opportunities for new facilities to target mixed commercial and demolition streams". The proposed project is an opportunity to open up a new sector of capacity within the South East Queensland recycling market and increase the opportunities for recycling and contribute to the creation of a circular economy.

Wanless is dedicated to the recycling industry and have a long established history operating a variety of recycling businesses in Queensland and New South Wales. The success and delivery of this project is a great example of the waste industry sector, particularly the resource recovery sector, driving growth and investment in the sector and contributing to the delivering of the Queensland Waste Management and Resource Recovery Strategy .

- **Building economic opportunity**

- *The waste management and resource recovery sector should work to identify where the opportunities for economic growth are and be ready to invest accordingly.*

*Industry should work with local government to resolve planning issues for existing and new infrastructure.*

*Industry should also work with government to develop standards and specifications when using recycled material. A consistent approach will give consumers confidence in the quality and safety of these products and help drive market demand.*

Wanless, as a key operator within the waste management and resource recovery sector, has identified a site that is strategically located within a planned industrial and business growth area under the local framework that is a prime site for investment. The site has the elements needed to create a significant waste and resource recovery business on the site, creating the opportunity to establish a side by side recycling facility and residual waste disposal. Wanless is willing to create a significant investment in the site to drive the resource recovery sector within SEQ.

Wanless, throughout the assessment of the application, has negotiated and liaised with Ipswich City Council and the relevant departments of the State Government to work through all planning issues associated with the development. To note, approvals for both the recycling and landfilling components if the proposed development have been issued by the State Government including the Department of Environment and Science (for the environmental authority) and the Department of Transport and Main Roads. As previously mentioned, approval for part of the application has been issued by Ipswich City Council. Through both the State Government and Ipswich City Council approvals, there is an acknowledgement that the

proposed development and proposed land uses are appropriate for the site and that any potential impacts on the infrastructure and the environment can be ameliorated. industries.

### **Ipswich Resource Recovery Strategy**

In a local context, the Ipswich City Council have developed a Resource Recovery Strategy that is directed by *Queensland Waste Management and Resource Recovery Strategy*. The strategy sets out goals for the waste industry in Ipswich. A key goal for the strategy is to increase the materials recovery and actively promote a circular economy, as well as introducing a 'pillar' of the strategy to establish fit-for-purpose waste and resource recovery infrastructure. This strategy is intended to further the intent of the Waste Strategies released from the State Government. The Wanless Recycling Park promotes recycling and resource recovery and creates an integrated waste activity within Ipswich that increases the recycling rates and establishes a fit-for-purpose recycling centre, that aligns with the Council's Resource Recovery Strategy. The decision to part refuse the development application pushes away from Council's endorsement direction towards recycling.

### **QLD Waste Levy**

The Queensland Government introduced a Waste Levy 1 July 2019. The intent of the Waste Levy was to:

- Reduce the amount of waste going to landfill;
- Encourage waste avoidance;
- Provide a source of funding to enable better resource recovery practices; and
- Facilitate industry investment in resource recovery infrastructure.

The drivers behind the Waste Levy have created the economic conditions that have led to the inception of this project, to create an integrated waste facility that focuses on resource recovery at its core. The development delivers a project that drives the intent of the Levy forward.

### **Mining Rehabilitation**

The site has been effected by previous mining activities that are covered under the existing mining lease that remains on the site. Attached to the mining lease are a set of rehabilitation requirements to create a site that is able to support post mining uses. The predominant rehabilitation for the site is to return large portions of the site to grazing land, with the open cut voids retained as water storage. It is acknowledged that the Queensland State Government has appointed a Mine Rehabilitation Commissioner to oversee the rehabilitation of previous mining sites. The Commissioner is tasked with producing guidance on best practice rehabilitation, engaging with stakeholders, report on the performance of rehabilitation requirements and advise the minister on the progress. In his appointment media statement, James Purtill, noted that rehabilitation of mining sites has the potential to create job opportunities for regional communities and is important to create more jobs after the mine is no longer in use.

This project seeks to rehabilitate a previously mined site, in a fashion that has been demonstrated is environmentally sound and will create a number of jobs as part of the rehabilitation. The development project aligns directly with the Government's intentions for historic mining sites, generating jobs through the rehabilitation on the site. The development would be an on the ground example of best practice management of mining sites to economically viably rehabilitate the site, with limited burden on the surrounding community.



## Summary

As detailed above, the proposed development aligns with and furthers the State Interests as identified in the SPP, ShapingSEQ and importantly, the Queensland Waste Management and Resource Recovery Strategy. The development represents significant investment within the Ipswich region that leads to real and permanent job creation on the ground and a significant growth in the resource recovery sector within SEQ, furthering the intent of State waste industry objectives. The project is therefore submitted as an exemplary project and a key driver in advancing the State Government's waste management and resource recovery objectives.

Without the permitting the residual landfill operation on the site, the viability of the project becomes uncertain, and is unlikely to progress through to construction. Approval of the project in its entirety, including both the recycling and residual waste disposal components, is therefore necessary to ensure this project comes to fruition and assists in the achievement of the State Government recycling targets.

## WHY SHOULD THE MINISTER CALL IN THIS APPLICATION?

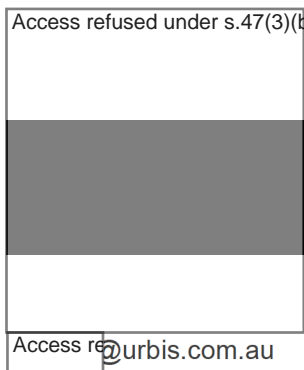
As outlined in this request, the viability of the project is currently as a result of Ipswich City Council's decision not to approve the landfilling component of the proposal. At this stage, it is likely that the project will not proceed. Whilst the applicant determines its next course of action, it has acted to preserve its appeal rights by lodging a Notice of Appeal with the Planning and Environment Court.

Due to the backlog in Planning and Environment Court hearings, there is no certainty around a final outcome in relation to this development application, which adds further costs and lengthy delays to the project after nearly two years in the planning assessment process. Without timely assessment of applications of this type, investment in recycling infrastructure and local recycling jobs simply can not be supported.

In summary, the proposed development wholly aligns with the State Interests identified in the State Planning Policy, ShapingSEQ and importantly delivers on the directives of the *Waste Management Resource Recovery Strategy*. Construction of this project clearly within the interests of the Queensland Government. The project creates significant economic opportunity leveraging the \$200 million investment into what is currently a derelict and underutilised site and creating upwards of 350 construction and operational jobs within an area that is identified as an area suitable for regional industry and business activity under the local planning instrument. The project balances the economic development on the site with the protection and enhancement of environmental and social sustainability of the site by protecting and enhancing environmental elements of the site, and the potential economic growth on the site from the catalyst investment.

The application in its current form, as approved by Ipswich City Council, is unable to proceed on the basis of economic viability of the project. It is necessary for the proposed development to proceed in its entirety, allowing for the disposal of residual waste on the same site. For the project to progress beyond the concept stage, certainty in the approval process and planning outcome is necessary. As such, it is considered that calling in the application is necessary to ensure that the development is able to proceed and to further the State Interests as detailed in this request.

Yours sincerely,



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**PROPOSED CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE  
PLANNING ACT 2016**

**266 - 304 & 350 COOPERS ROAD, EBENEZER**

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Pursuant to section 102 of the *Planning Act 2016* (the Planning Act), I give notice that I am proposing to call in and reassess and redetermine a development application by Wanless Recycling Park Pty Ltd located at 82A Lanes Road, Ebenezer QLD 4340, 82B Lanes Road, Ebenezer QLD 4340, 82C Lanes Road, Ebenezer QLD 4340, 82D Lanes Road, Ebenezer QLD 4340, 82E Lanes Road, Ebenezer QLD 4340, 82F Lanes Road, Ebenezer QLD 4340, 82H Lanes Road, Ebenezer QLD 4340, Lot 312 Coopers Road, Ebenezer QLD 4340, 266-304 Coopers Road, Willowbank QLD 4306, 350 Coopers Road, Willowbank QLD 4306, 166-198 Bergmans Road, Ebenezer QLD 4340, 202-282 Bergmans Road, Ebenezer QLD 4340, Lot 257 Unnamed Road, Ebenezer QLD 4340, Lot 1 Coopers Road, Ebenezer QLD 4340 (under road licence).

The development application information is set out below:

<b>Applicant:</b>	Wanless Recycling Park Pty Ltd
<b>Assessment manager:</b>	Ipswich City Council (the council)
<b>Properly made date:</b>	24 December 2019
<b>Confirmation notice issued:</b>	15 January 2020
<b>Development approval sought (Application):</b>	<p>Development permit for:</p> <ul style="list-style-type: none"><li>• Reconfiguring a Lot - Boundary Realignment (Thirteen (13) Lots into Five (5) Lots)</li><li>• Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction &amp; Demolition, Commercial &amp; Industrial &amp; Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area</li><li>• Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area</li><li>• Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year</li></ul>

- Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste
- Material Change of Use - Waste Activity Use involving Crushing, milling or grinding (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including screening, washing, crushing, grinding, milling, sizing or separating in works producing 5,000 tonnes or more per year
- Environmentally Relevant Activities (ERA 54 – 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste more than 10,000t; ERA 60 – 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >200,000t/yr; ERA 62 – 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 1 regulated waste)

<b>Level of assessment:</b>	Impact assessable (MCU) (60 properly made submissions were received during the public notification period)  Code assessment (RoL)
<b>Referral triggers:</b>	<p>The chief executive of the distribution entity or transmission entity (Energex) as an advice agency. Schedule 10, Part 9, Division 2, Table 2, Item 1 – Electricity Infrastructure</p> <p>The chief executive administering the <i>Planning Act 2016</i> as concurrence agency for:</p> <ul style="list-style-type: none"> <li>• Schedule 10, part 3, division 4, table 2, item 1 – Clearing native vegetation</li> <li>• Schedule 10, part 3, division 4, table 3, item 1 – Clearing native vegetation</li> <li>• Schedule 10, part 5, division 4, table 2, item 1 – Environmentally relevant activities</li> <li>• Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 – State transport infrastructure</li> <li>• Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 – State transport infrastructure</li> </ul>

**Decision notice:**

The council issued a decision notice (Part Approval), including conditions on 17 September 2021 (Application no: 10674/2019/CA).

The decision is the subject of an appeal to the Queensland Planning and Environment Court, appeal number 2715/21. The parties to the appeal include council, the applicant, the chief executive administering the Planning Act 2016 and various submitters.

A request to call in the application has been made by the applicant (the call in request).

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The documentation for the development application can be accessed through the council's website at:

<https://epathway.ipswich.qld.gov.au/ePathway/Production/Web/GeneralEnquiry/EnquiryDetailView.aspx?Id=948246>

**Reasons for the proposed call in**

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in Schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
- (b) affects the interest of ensuring this Act's purpose is achieved.'*

I consider the proposed development involves, or is likely to involve:

- economic interests of the state or part of the state, and
- environmental interests of the state or part of the state.

**Economic and environmental state interests**

I consider the application involves or is likely to involve economic and environmental interests of the state, or a part of the state, including for the following reasons:

*Economic*

- The application states that the proposed development includes the redevelopment of disused mining voids that will create economic opportunities for the area.
- The call in request identifies that the project includes a \$200M capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site.
- The call in request identifies that the site and proposed development represent an opportunity to create economic development and to establish a market leading recycling facility.
- *ShapingSEQ* identifies the site, along with surrounding land as being within the Ebenezer major enterprise and industrial area Regional Economic Cluster and these areas are intended to advance the economy, drive greater levels of local employment.



## *Environmental*

This application involves complex and significant environmental issues associated with potential rehabilitation of mining voids and the environmental impacts of waste activities.

- Specifically, the material relevant to the application raises the following significant issues:
  - the application of the planning framework to the rehabilitation and reuse of existing mining voids
  - the role of waste facilities, such as the proposed development, in contributing to, or enhancing, recycling in Queensland
  - the environmental and amenity impacts of the proposed development.
- The site is subject to planning scheme provisions and a TLPI which contemplate mining voids will be filled and rehabilitated to allow for possible future use in this location. The SPP, which is made to protect or give effect to state interests, is also concerned with ensuring this type of development is compatible with surrounding land uses.
- The importance of appropriate regulation of waste activities in this location is reflected in the continuing application of a TLPI to this site namely, TLPI No 2 of 2020 (Waste Activity Regulation) which regulates applications for new or expanded waste activities including for the current site, to protect existing and planned sensitive receiving uses from adverse impacts for waste activities.

I am proposing to call in this application for the following reasons:

1. I consider that the proposed development involves, or is likely to involve, the state interests set out above.
2. The application is for the development of a resource recovery facility and associated landfill activities that involve the filling of existing mining voids on the site.
3. The application involves complex and significant environmental issues associated with the potential rehabilitation of mining voids and the environmental impacts of waste activities.
4. The call in request asserts that the project includes a \$200M capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site.
5. The importance of appropriate assessment of waste activities in this location is reflected in the planning instruments including the making of the TLPI and the current TLPI No 2 of 2020.
6. I am informed that there are three Planning and Environment Court appeals which relate to proposed landfill developments in the Ipswich City Council local government area. These appeals are awaiting judgement.
7. Further, I am informed that:
  - a. this application is the subject of a current Planning and Environment Court appeal
  - b. there were 60 properly made submissions for the application
  - c. there are in excess of 50 submitter co-respondents.

8. This indicates the level of complexity associated with the assessment of waste activities in this area and the significant community concern. If this application is called in, this will avoid the need for the appeal to continue and avoid potential time and cost implications for a number of parties.
9. Should the application be called in, it will be open to me as the Planning Minister to decide at what stage the assessment process will restart. I can also have regard to any matter I consider relevant in addressing the above issues in providing for a full and comprehensive assessment of the application.
10. In accordance with the *Human Rights Act 2019*, I have considered and given proper consideration to the human rights relevant to my decision whether to issue this proposed call in notice. I have been provided with a human rights assessment document prepared by the Department of State Development, Infrastructure, Local Government and Planning (the department) to assist my consideration. Based on this, I have determined that my decision to issue this proposed call in notice is compatible with human rights.

### **Proposed call in**

Under the Planning Act there is no requirement for the proposed call in notice to be given to the Planning and Environment Court (P&E Court) and the giving of a proposed call in notice has no impact on the P&E Court proceedings.

If I decide to call in the development application:

- any appeal for this application is discontinued
- the process for assessing and deciding the development application under the Development Assessment Rules is proposed to restart at the start of the decision stage; and
- I do not intend to direct the decision-maker to assess all or part of the application.

If I decide to call in the development application, my decision on the development application is taken to be the original assessment manager's decision.

Although my decision is taken to be a decision of the assessment manager, my decision cannot be appealed in the P&E Court, as the application is an excluded application for the purposes of section 229 and Schedule 1 of the Planning Act.

### **Representations on the proposed call in notice**

Written representations can be made to me about the proposed exercise of my power to call in the development application.

Representations are specifically sought about:

- whether or not the proposed development involves a state interest
- whether or not I should exercise my powers to call in the development application
- any matter stated in this proposed call in notice.

Representations must be made by **5:00pm on 18 January 2022** to:

Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure  
c/- Director, Development Assessment Services  
Development Assessment Division  
Department of State Development, Infrastructure, Local Government and Planning

Email: ministerial.callin@dsdilgp.qld.gov.au

Post: PO Box 15009  
CITY EAST QLD 4002

**Findings on material questions of fact and evidence or other material on which findings of material questions of fact were based**

Prior to making my decision I was provided with a briefing note including a preliminary assessment report (assessment report) prepared by departmental officers dated 25 November 2021. I have had regard to these documents and the following information in making my decision.

**Site and development application details**

<b>Name of Applicant</b>	Wanless Recycling Park Pty Ltd
<b>Approved development</b>	<ul style="list-style-type: none"><li>• Reconfiguring a Lot (Thirteen (13) Lots into Five (5) Lots)</li><li>• Material Change of Use – Special Industry (Waste Transfer and Resource Recovery Facility – includes waste recycling, reprocessing, storing, dismantling, baling, screening, washing, crushing, grinding, milling, sizing or separating activities) over part of proposed Lot 101 of Development Approval 10674/2019/CA (over existing Lots 230 CH3132 and 231 CH3132)</li><li>• Environmentally Relevant Activity 54 - 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste more than 10,000t (in accordance with the SARA referral agency response)</li><li>• Environmentally Relevant Activity 62 - 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing general waste (in accordance with the SARA referral agency response)</li><li>• Environmentally Relevant Activity 60 - 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: &gt;200,000t/yr (in accordance with the SARA referral agency response).</li></ul>
<b>Applicable planning scheme</b>	Ipswich Planning Scheme (the Planning Scheme) which commenced on 23 January 2006; and Temporary Local Planning Instrument (TLPI) No 2 of 2018 (Waste Activity Regulation)
<b>Land zoning</b>	Regional Business and Industry Investigation zone
<b>Level of assessment</b>	Impact assessable (MCU) Code assessment (RoL)
<b>Site address</b>	82A Lanes Road, EBENEZER QLD 4340 82B Lanes Road, EBENEZER QLD 4340 82C Lanes Road, EBENEZER QLD 4340

	82D Lanes Road, EBENEZER QLD 4340 82E Lanes Road, EBENEZER QLD 4340 82F Lanes Road, EBENEZER QLD 4340 82H Lanes Road, EBENEZER QLD 4340 Lot 312 Coopers Road, EBENEZER QLD 4340 266-304 Coopers Road, WILLOWBANK QLD 4306 350 Coopers Road, WILLOWBANK QLD 4306 166-198 Bergmans Road, EBENEZER QLD 4340 202-282 Bergmans Road, EBENEZER QLD 4340 Lot 257 Unnamed Road, EBENEZER QLD 4340 Lot 1 Coopers Road, EBENEZER QLD 4340 (under road licence)
<b>Real property description</b>	Lot 2 SP 167885, Lot 231 CH 3132, Lot 230 CH 3132, Lot 240 CH 3132, Lot 241 CH 3132, Lot 242 CH 3132, Lot 1 RP 24569, Lot 1 SP 167885, Lot 243 CH 3132, Lot 254 CH 31200, Lot 257 CH 31247, Lot 312 CH 31969, Lot 2 RP 24570, and Lot 1 RL 8701.
<b>Assessment manager</b>	Ipswich City Council
<b>Referral agencies</b>	The chief executive of the distribution entity or transmission entity (Energex) as an advice agency. The chief executive administering the <i>Planning Act 2016</i> as concurrence agency.
<b>Date application properly made</b>	24 December 2019
<b>Date of council information request</b>	20 January 2020
<b>Date of SARA information request</b>	18 February 2020
<b>Date of response to council information request</b>	27 April 2020
<b>Date of response to SARA information request</b>	27 April 2020
<b>Date of SARA further advice</b>	22 May 2020 16 September 2020 21 January 2021
<b>Date of response to SARA further advice</b>	10 August 2020 19 October 2020 & 13 November 2020 2 March 2021, 30 April 2021 & 6 May 2021
<b>Date of SARA decision</b>	2 July 2021
<b>Date of Council decision</b>	16 September 2021
<b>Date decision notice given by the council</b>	17 September 2021
<b>Date of appeal</b>	15 October 2021



### **Requests to call in the development application**

One request from the applicant relating to the exercise of my powers to call in the development application has been received.

I was provided with a copy of the request as well as a summary of the issues raised in the requests. This summary is included in the department's preliminary assessment report and the request is included with the report.

The request raises a number of issues including matters which are potentially relevant to whether the proposed application involves matters of state interest in particular with respect to the economic and environmental interests of the state.

I have had regard to these issues in making my decision.

### **The council's decision**

The application is subject to a current Queensland Planning and Environment Court appeal.

### **Submissions**

The material change of use aspect of the application is impact assessable and 60 properly made submissions were received.

### **State interests**

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
- (b) affects the interest of ensuring this Act's purpose is achieved.'*

The material I was provided with included a summary of the potential state interests that this development involves or is likely to involve, together with discretionary grounds relevant to the decision whether to issue the proposed call in notice. I have had regard to these in determining that the development application involves, or is likely to involve, a state interest and in deciding to exercise my power to issue this proposed call in notice.

### **Documents considered**

In forming my decision to propose to call in the development application, I had regard to the following material:

<b>Documents</b>
Departmental briefing note (Reference: MBN21/1567) and attachments, including: <ul style="list-style-type: none"><li>• Preliminary Assessment Report prepared by the department including schedules</li><li>• draft proposed call in notice</li><li>• draft correspondence to the assessment manager, applicant and the referral agencies and submitters enclosing the proposed call in notice.</li></ul>

### **Legislation and statutory instruments relevant to my decision are:**

- *Planning Act 2016*
- *Planning Regulation 2017*
- *State Planning Policy July 2017*
- *South East Queensland Regional Plan 2017 (ShapingSEQ)*

- *Ipswich Planning Scheme*
- TLPI No. 2 of 2020 (Waste Activity Regulation)
- Proposed TLPI No. 1/2022 (Resource Recovery and Waste Activity Regulation)

Dated: <INSERT DECISION DATE>

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



**Hon Steven Miles MP**  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MC21/4687

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
**Telephone** + 61 3719 7100  
**Email** [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)  
**Website** [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Ms Sonia Cooper  
Chief Executive Officer  
Ipswich City Council  
[Sonia.cooper@ipswich.qld.gov.au](mailto:Sonia.cooper@ipswich.qld.gov.au)

Dear Ms Cooper

I am writing to advise you that I am considering exercising my ministerial powers under the *Planning Act 2016* (the Planning Act) to call in and reassess and redetermine a development application made by Wanless Recycling Park Pty Ltd, to the Ipswich City Council (the council) for a development permit for reconfiguring a lot and material change of use for a resource recovery and landfill facility.

The site is located at 266-304 and 350 Coopers Road, Ebenezer.

Pursuant to section 102(2) of the Planning Act, please find enclosed the proposed call in notice for your consideration. The purpose of this notice is to advise you of my intention to call in this development application and to invite written representations from you about the proposed call in.

I am interested in finding out:

- if you believe the proposed development involves a state interest
- whether or not I should exercise my power under the Planning Act to call in the development application.

The effect of calling in a development application is that:

- I reassess and redetermine the development application in place of the original assessment manager, the council
- my decision on the development application is taken to be the original assessment manager's decision and cannot be appealed.



Please address your representations to:

Deputy Premier  
Minister for State Development, Infrastructure, Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure  
c/- Director, Development Assessment Division  
Planning Group  
Department of State Development, Infrastructure, Local Government and Planning

Email: [ministerial.callin@dsdilgp.qld.gov.au](mailto:ministerial.callin@dsdilgp.qld.gov.au)

Post: PO Box 15009  
CITY EAST QLD 4002

Please be advised that any representations you wish to make must be received by  
**5.00pm on 18 January 2022.**

Yours sincerely

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

Enc

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**Hon 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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**Website** [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Access refused under s.47(3)

Wanless Recycling Park Pty Ltd  
1-5 Whiting Street  
ARTARMON NSW 2064

Dear Access refused u

I am writing to advise you that I am considering exercising my ministerial powers under the *Planning Act 2016* (the Planning Act) to call in, reassess and redetermine a development application made by Wanless Recycling Park Pty Ltd, to the Ipswich City Council (the council) for a development permit for reconfiguring a lot and material change of use for a resource recovery and landfill facility.

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Post: PO Box 15009  
CITY EAST QLD 4002

Please be advised that any representations you wish to make must be received by  
**5.00pm on 21 December 2021.**

Yours sincerely

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

Enc

cc

Access refused under s.4

Urbis Pty Ltd

Access refused  
@urbis.com.au



**Hon 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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**Website** [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Mr Rod Duke  
Chief Executive Officer  
Energex Limited  
26 Reddacliff Street  
NEWSTEAD QLD 4006

Dear Mr Duke

I am writing to advise you that I am considering exercising my ministerial powers under the *Planning Act 2016* (the Planning Act) to call in, reassess and redetermine a development application made by Wanless Recycling Park Pty Ltd, to the Ipswich City Council (the council) for a development permit for reconfiguring a lot and material change of use for a resource recovery and landfill facility.

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CITY EAST QLD 4002

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Yours sincerely

**STEVEN MILES MP**  
**DEPUTY PREMIER**  
**Minister for State Development,**  
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**Minister Assisting the Premier on Olympics Infrastructure**

Enc

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Our ref: MC21/4687

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ABN 65 959 415 158

<Title> <First Name> <Last Name>  
<Position>  
<Organisation>  
<Postal address 1>  
<Postal address 2> <State> <Postcode>  
<Email>

Dear <Title> <Last Name>

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**5.00pm on 21 December 2021.**

Yours sincerely


**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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**SUBJECT** Request to exercise Ministerial call in powers for a development application for the proposed Wanless Recycling Park at Ebenezer (the application)

<p>Note: This brief is considered draft until signed.</p> <p><input checked="" 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..........</p> <p>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> <p><i>With change - representation period to 21 Dec.</i></p>
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**ACTION REQUIRED BY** 29 November 2021, to meet the statutory timeframe by which a proposed call in notice must be given.

## RECOMMENDATION

It is recommended that you:

- **note** you have received a request by Wanless Recycling Park Pty Ltd (Wanless) to call in the application at Ebenezer
- **note** the notice of appeal attached to the attached Preliminary Assessment Report (PAR) (**Attachment 1**) filed in the Planning and Environment Court by Wanless appealing the Ipswich City Council's (the council) decision to refuse, in part, the application, and some conditions of the approval
- **decide**, for the reasons in the PAR (**Attachment 1**) prepared by the Department of State Development, Infrastructure, Local Government and Planning (the department) and the proposed call in notice (**Attachment 2**), to give a proposed call in notice for the application in the form at **Attachment 2**
- **decide** to propose to restart the process for assessing and deciding the application at the start of the decision stage
- **approve** a period (called the representation period) of 30 business days for the relevant parties to make representations to you about the proposed call in
- **approve the use of your electronic signature** on the attached proposed call in notice (**Attachment 2**)
- **approve the use of your electronic signature** on the attached letters to the parties to whom the proposed call in notice must be given, namely, Ipswich City Council (the council) (**Attachment 3**), Wanless Recycling Park Pty Ltd (the applicant) (**Attachment 4**), Energex Limited (a referral agency) (**Attachment 5**), and each submitter for the application (**Attachment 6**), seeking representations during the representation period in respect of the proposed call in and enclosing a copy of the proposed call in notice (**Attachment 2**)
- **note** this advice contains confidential legal advice which is subject to legal professional privilege.

## KEY ISSUES

- On 19 December 2019, Wanless lodged the application. The council determined the application to be properly made on 24 December 2019 and issued a confirmation notice on 15 January 2020.
- The application was impact assessable under the *Ipswich Planning Scheme* and, therefore, public notification was required.



- On 20 January 2020, the application was referred to SARA due to:
  - the proposed use being classed as an environmentally relevant activity (Department of Environment and Science (DES) as technical agency assisting SARA)
  - the proposed use involving the clearing of native vegetation (the Department of Resources as a technical agency assisting SARA)
  - impacts on state transport infrastructure and the sites proximity to a railway (the Department of Transport and Main Roads as technical agency assisting SARA).
- The application is also taken to be an application for an Environmental Authority (EA), which was assessed concurrently by DES for the following Environmentally Relevant Activities (ERAs):
  - ERA 54 – 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste more than 10,000t
  - ERA 60 – 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10 per cent limited regulated waste: >200,000t/yr
  - ERA 62 – 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 1 regulated waste).
- The application was also referred to Energex Limited due to a substation being located on part of the site.
- On 20 January 2020, the council issued an information request. On 27 April 2020, the applicant responded to the council's information request.
- On 6 May 2020, the council received notification from the applicant of a minor change to the application relating to the reconfiguring a lot and material change of use aspects of the application.
- On 20 December 2020, the council received notification from the applicant of another minor change to the application relating to the material change of use aspect of the application.
- On 2 July 2021, SARA issued a referral agency response with conditions. The SARA conditions relate to the protection and enhancement of koala habitat, clearing of vegetation, and the operation of the proposed landfill activity. Specifically, SARA's conditions required that tailings waste within the tailings dam, which is one of the proposed receiving areas for non-putrescible waste, must not be dewatered or removed.
- On 7 September 2021, the council issued its decision on the application. The decision approved the following aspects of the application, subject to conditions:
  - Reconfiguring a Lot (Thirteen (13) Lots into Five (5) Lots)
  - Material Change of Use – Special Industry (Waste Transfer and Resource Recovery Facility – includes waste recycling, reprocessing, storing, dismantling, baling, screening, washing, crushing, grinding, milling, sizing or separating activities) over part of proposed Lot 101 of Development Approval 10674/2019/CA (over existing Lots 230 CH3132 and 231 CH3132)
  - Environmentally Relevant Activities 54, 60 and 62.
- The council's decision refused the following aspects of the application:
  - Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial & Industrial & Putrescible Waste) in the Ebenezer/Willowbank/Jeebropilly Waste Activity Area
  - Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer/Willowbank/Jeebropilly Buffer Area.

- The application was subject to Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) over the Ebenezer/Willowbank/Jeebropilly industrial area. This TLPI has been replaced by TLPI No. 2 of 2020 (Waste Activity Regulation) which is in effect until 27 January 2022.
- On 18 November 2021, the council endorsed a proposed Temporary Local Planning Instrument (TLPI) to replace the current TLPI and a second TLPI made by the previous Planning Minister to regulate the development application for waste activities in the Swanbank/New Chum industrial area.
- Pursuant to section 91 of the *Planning Act 2016* (the Planning Act), you may only call in an application if the matter involves, or is likely to involve, a state interest.
- A state interest is defined in Schedule 2 of the Planning Act as '*an interest that the Minister considers—*
  - (a) *affects an economic or environmental interest of the State or a part of the State; or*
  - (b) *affects the interest of ensuring this Act's purpose is achieved.*'
- The department has reviewed the application and considered the proposed development. This consideration is documented in the department's PAR provided at **Attachment 1**. The department is of the view, for the reasons set out in the PAR and in the draft proposed call in notice provided at **Attachment 2**, that it is open to you to decide to issue the proposed call in notice.
- If you decide to issue a proposed call in notice, you must give a copy of the proposed call in notice to the council (**Attachment 3**), Wanless Recycling Part Pty Ltd (the applicant) (**Attachment 4**), Energex Limited (a referral agency) (**Attachment 5**), and each submitter for the application (**Attachment 6**), seeking representations during the representation period in respect of the proposed call in and enclosing a copy of the proposed call in notice (**Attachment 2**).
- If you decide to issue a proposed call in notice, you will need to decide:
  - the point in the process for assessing and deciding the application from which you propose the process will restart
  - the representation period, for representations to be made to you about the proposed call in.
- The PAR provides options and recommendations for the above points.

## HUMAN RIGHTS

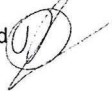
- The decision is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of that Act. A human rights assessment for this decision is Schedule 2 to the PAR.

## RESULTS OF CONSULTATION

- Nil

## RESOURCE/FINANCIAL IMPLICATIONS

- There are no resource (e.g. staffing) or financial implications associated with this briefing note.

<b>Author</b> Name: Paul Beutel Position: Manager Unit: Development Assessment Tel/Mob No: Access refused under Date: 24 November 2021	<b>Approved by (Exec Dir)</b> Name: Steve Conner Position: Executive Director Branch: Development Assessment Tel/Mob No: Access refused under Date: 25 November 2021	<b>Approved by (SP)</b> Name: Kerry Doss Division: Planning Group Tel/Mob No: Access refused under Access Date: 25 November 2021	<b>Director-General Endorsement</b> Name: Damien Walker Signed  Date ...25/11/2021...
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- Note: This brief is considered draft until signed.**

# Preliminary Assessment Report for a potential ministerial call in

Wanless Recycling Park Pty Ltd

November 2021

Note: This document is subject to legal professional privilege and contains confidential legal advice. For any queries regarding this document, please contact Legal Services.



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Schedule 1 – Requests for call in

Schedule 2 – Notice of Appeal

Schedule 3 – Assessment under *Human Rights Act 2019*

Schedule 4 – Council decision notice

Schedule 5 – Abbreviations





# Summary

<b>Applicant:</b>	Wanless Recycling Park Pty Ltd
<b>Assessment manager:</b>	Ipswich City Council (the council)
<b>Properly made date:</b>	24 December 2019
<b>Confirmation notice issued:</b>	15 January 2020
<b>Development approval sought (the application):</b>	<p>Development permit for:</p> <ul style="list-style-type: none"> <li>Reconfiguring a Lot - Boundary Realignment (Thirteen (13) Lots into Five (5) Lots)</li> <li>Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction &amp; Demolition, Commercial &amp; Industrial &amp; Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area</li> <li>Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area</li> <li>Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year</li> <li>Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste</li> <li>Material Change of Use - Waste Activity Use involving Crushing, milling or grinding (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including screening, washing, crushing, grinding, milling, sizing or separating in works producing 5,000 tonnes or more per year</li> <li>Environmentally Relevant Activities (ERA 54 – 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste more than 10,000t; ERA 60 – 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: &gt;200,000t/yr; ERA 62 – 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 1 regulated waste)</li> </ul>
<b>Level of assessment:</b>	<p>Impact assessment (MCU) (60 properly made submissions were received during the public notification period)</p> <p>Code assessment (RoL)</p>

<b>Referral triggers:</b>	<p>The chief executive of the distribution entity or transmission entity (Energex) as an advice agency. Schedule 10, Part 9, Division 2, Table 2, Item 1 – Electricity Infrastructure</p> <p>The chief executive administering the <i>Planning Act 2016</i> as concurrence agency for:</p> <ul style="list-style-type: none"> <li>• Schedule 10, part 3, division 4, table 2, item 1 – Clearing native vegetation</li> <li>• Schedule 10, part 3, division 4, table 3, item 1 – Clearing native vegetation</li> <li>• Schedule 10, part 5, division 4, table 2, item 1 – Environmentally relevant activities</li> <li>• Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 – State transport infrastructure</li> <li>• Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 – State transport infrastructure</li> </ul>
<b>Date of decision notice issued by the council:</b>	The council issued a decision notice (Part Approval), including conditions on 17 September 2021 (Application no: 10674/2019/CA)
<b>Call in request:</b>	One request has been received by the applicant asking that the application be called in. Section 4 of this report provides a summary of the request.
<b>Conclusion:</b>	The Department of State Development, Infrastructure, Local Government and Planning (the department) is of the view that the application involves, or is likely to involve, a state interest and that it is open to the Planning Minister to exercise his discretion to issue the proposed call in notice, to decide not to issue the proposed call in notice or take no further action.
<b>Date proposed call in notice must be given:</b>	<p>The proposed call in notice must be given on or before <b>29 November 2021</b>.</p> <p>Under section 102 of the <i>Planning Act 2016</i> (the Planning Act), the proposed call in notice must be given to the council as decision maker (assessment manager), the applicant, each referral agency (other than the chief executive), and any submitters for the application the Minister is aware of when the notice is given.</p>

# 1.0 Introduction

This preliminary assessment report has been prepared by the department for the application.

On 17 September 2021, the council issued a decision notice pursuant to s.63 of the *Planning Act 2016* (the Planning Act), which approved the application in part, subject to conditions.

The aspects of the application refused by the council were:

- Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial & Industrial & Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area
- Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area

The applicant has filed an appeal in the Planning and Environment Court in respect of the part refusal and some of the conditions of the approval.

One request has been received from the applicant asking that the application be called in. This report provides a summary of the request (see section 4.0). A copy of the request is provided at **Schedule 1**.

## 2.0 Proposed development

### 2.1 Site details

<b>RP description:</b>	Lot 2 SP 167885, Lot 231 CH 3132, Lot 230 CH 3132, Lot 240 CH 3132, Lot 241 CH 3132, Lot 242 CH 3132, Lot 1 RP 24569, Lot 1 SP 167885, Lot 243 CH 3132, Lot 254 CH 31200, Lot 257 CH 31247, Lot 312 CH 31969, Lot 2 RP 24570, and Lot 1 RL 8701.
<b>Site address:</b>	82A Lanes Road, EBENEZER QLD 4340 82B Lanes Road, EBENEZER QLD 4340 82C Lanes Road, EBENEZER QLD 4340 82D Lanes Road, EBENEZER QLD 4340 82E Lanes Road, EBENEZER QLD 4340 82F Lanes Road, EBENEZER QLD 4340 82H Lanes Road, EBENEZER QLD 4340 Lot 312 Coopers Road, EBENEZER QLD 4340 266-304 Coopers Road, WILLOWBANK QLD 4306 350 Coopers Road, WILLOWBANK QLD 4306 166-198 Bergmans Road, EBENEZER QLD 4340 202-282 Bergmans Road, EBENEZER QLD 4340 Lot 257 Unnamed Road, EBENEZER QLD 4340 Lot 1 Coopers Road, EBENEZER QLD 4340 (under road licence)
<b>Landowner:</b>	Wanless Recycling Park Pty Ltd
<b>Relevant planning scheme:</b>	Ipswich Planning Scheme (the planning scheme) which commenced on 23 January 2006; and Temporary Local Planning Instrument (TLPI) No.2 2018 (Waste Activity Regulation)
<b>Zone:</b>	Regional Business and Industry Investigation zone

### 2.2 Site context

The site is located in Willowbank and is accessible from an existing formed entrance at Coopers Road. The site also has frontage to Bergmans Road and Paynes Road, both currently unconstructed. (**Figure 1**).

The subject site is located within a rural and former mining area, approximately 13km south-west of the city of Ipswich. The site is adjoined to the east by Veolia's Ti Tree Bioenergy Facility, and the Queensland and Willowbank Raceways.

The wider locality is predominantly vacant agricultural land with some rural residential development.

The site is generally flat, featuring only mild undulations, with the distinct exception of three large mining voids that cover approximately 66ha of the site area, as remanence of the historic mining activities on the site.

The site is located within the Urban Footprint of the SEQ Regional Plan and is located in the Regional Business and Industry Investigation Zone of the Planning Scheme (**Figure 2**).

The site is currently improved by a series of industrial buildings and the operations and is still used for explosives manufacturing and bentonite processing. There are two Environmental Authorities (EA) under the *Environmental Protection Act 1994* which are still in effect on site:



- EPPR00722613 – granted to Maxam Australia Pty Ltd. Authorises ERA 8-4 Chemical storage over Lot 229 CH3132 and Lot 1 SP167885
- EPML00594013 – granted to Zedemar Holdings Pty Ltd. Authorises Clay pit mining on ML4712. Bentonite Resources Pty Ltd currently undertake bentonite processing on site under a lease agreement with Zedemar Holdings.

The subject site was historically used for extractive industry and open cut mining which began in September 1986. In 2002, due to a fall in market demand and poor economic conditions, the mining activity onsite ceased.

## 2.3 Description of development

The proposed development involves a resource recovery facility, and associated landfill activities that will contribute to the rehabilitation of the existing historic mining voids on the site. It is also proposed to reconfigure the boundaries of the existing lots to align with the proposed activities (**Figure 3**).

The waste activity landfill will receive waste to be distributed between various pit/fill areas including post recycling and recovery operations. The plan of development (**Figure 3**) identifies the three main landfill areas:

- tailings dam: dry waste only, coming from either Construction and Demolition (C&D) or Commercial and Industrial (C&I) waste streams over a period of 60 years
- void filling in 'Ironbark Pit': separated into component parts with the buffer area only receiving clean fill material from the waste stream with general waste in other parts over a period of 17 years
- void filling in 'Lanes Pit': separated into component parts with the buffer area only receiving clean fill material from the waste stream with general waste in other parts over a period of 17 years.

The proposed resource recovery facility is to occur within buildings on the site consisting of:

- 250sqm Administration Building supporting the 50 staff members on site
- 4 Primary Buildings consisting of 4,200sqm of area for the initial sorting of materials
- 4 Secondary Buildings consisting of 2,520sqm of area for secondary sorting.





Figure 1 – Site Locality plan



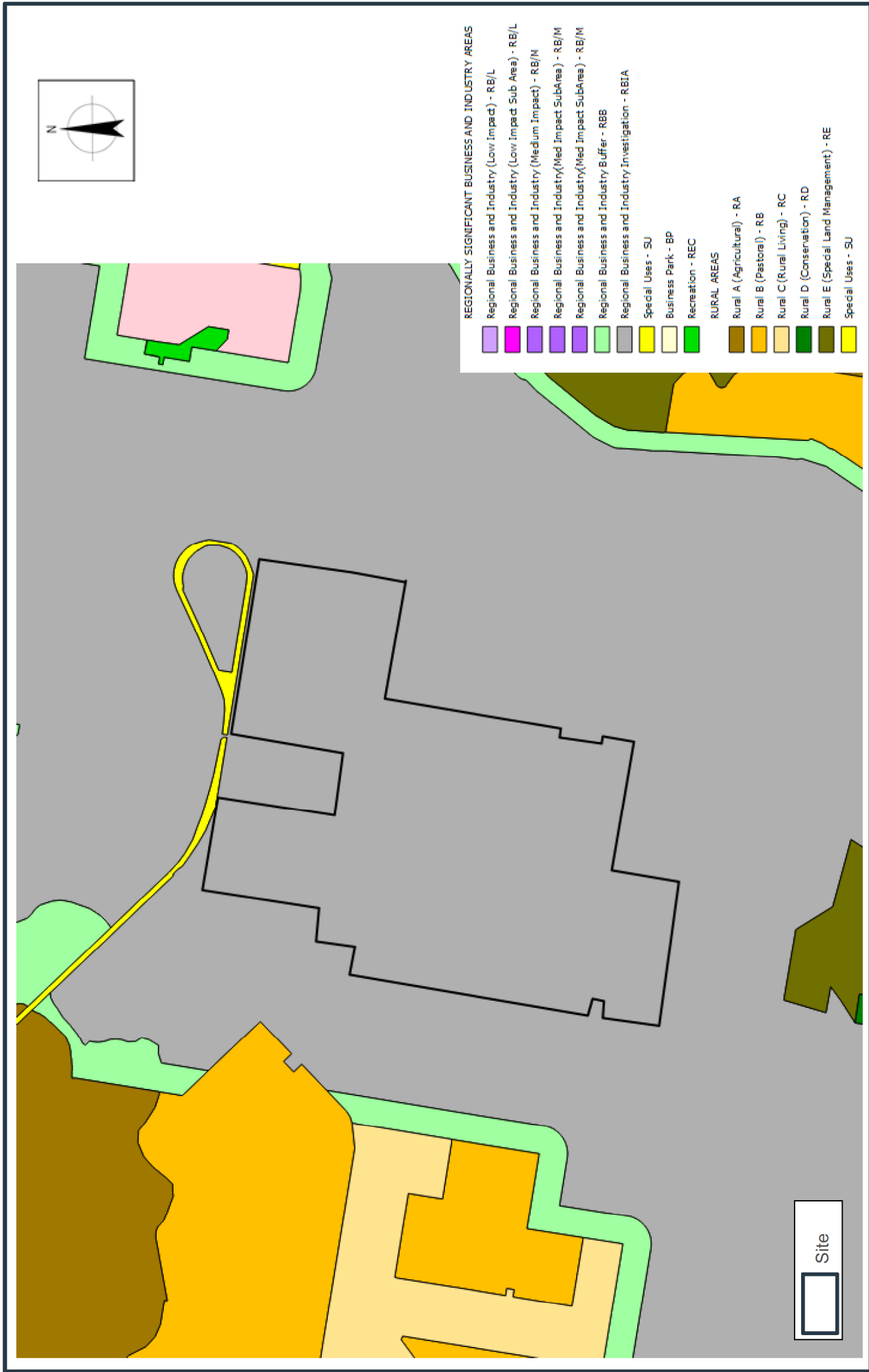
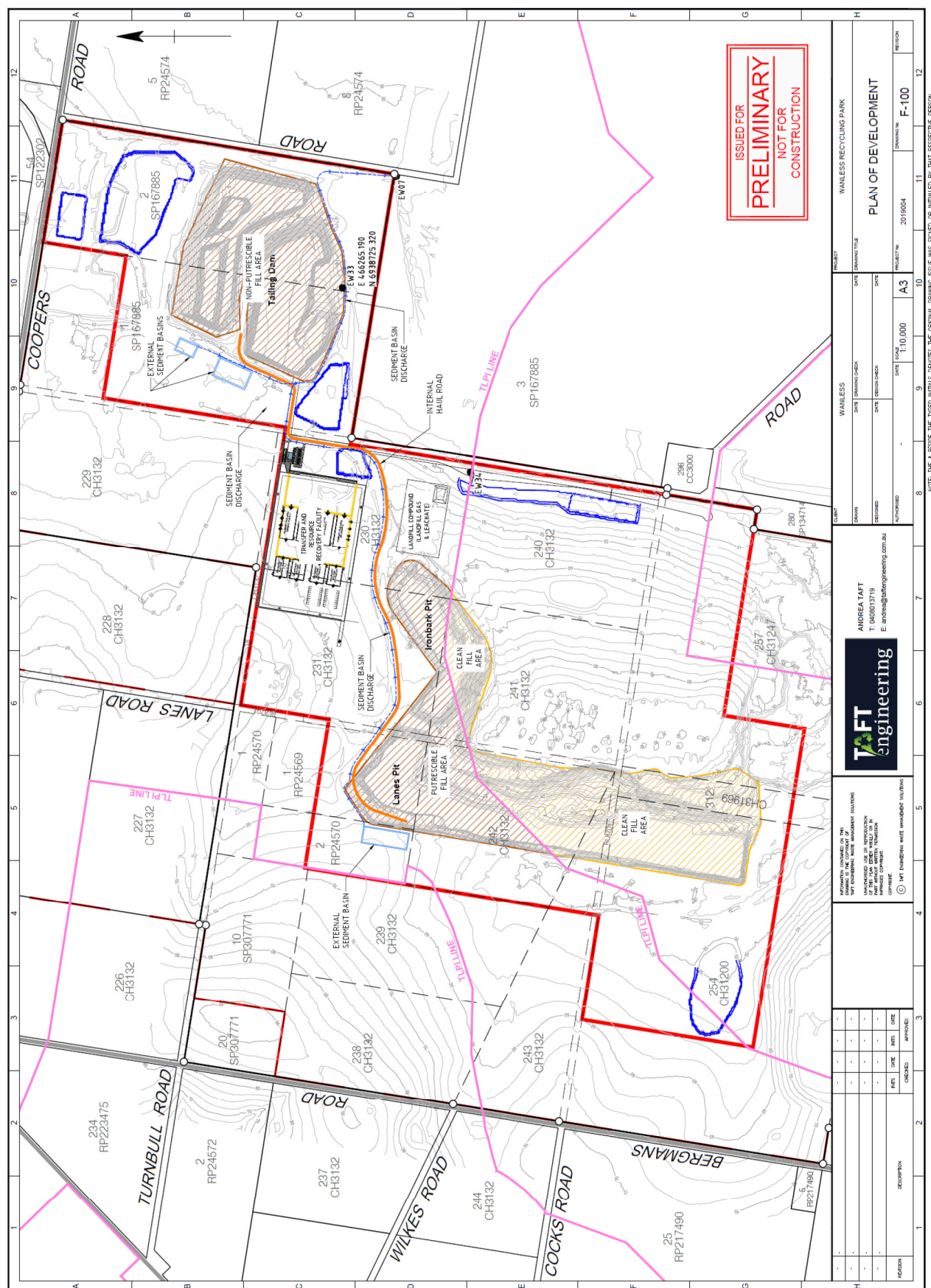


Figure 2 – Zoning Map





## 3.0 Development application history

### 3.1 The application

The application is for the development of a resource recovery facility, and associated landfill activities that will contribute to rehabilitation of the existing historic mining voids on the site. The application material states that the development has been designed to be aligned with the intent of the Temporary Local Planning Instrument (TLPI) No.2 2018 (Waste Activity Regulation). Planning Group has confirmed that this is the TLPI that was in effect at the time of the application.

The original application material indicates:

- The proposed development includes the redevelopment of a disused mining site with residual voids
- All of the voids on the site are proposed to be lined with appropriate materials to prevent contamination of the surrounding land as a result of the proposed filling activities
- The voids are also proposed to be filled and capped in stages to allow for a staged rehabilitation approach to each of the voids
- The proposed development advances the intent of the planning scheme by achieving an outcome that will facilitate the rehabilitation of the existing voids. The proposed development is consistent with the intent of the TLPI
- The site will receive up to 700,000t/pa of municipal (general) waste and 300,000t/pa of dry waste. A component of this incoming material will end in the landfill pits post recycling operations
- In relation to environment and economic impacts:
  - The noise levels associated with the proposed development can be managed in a way to minimise impacts on surrounding sensitive receptors
  - The ground level concentrations of dust particles are predicted to comply at the closest sensitive receptors. Mitigation measures are proposed to be implemented on site to further minimise impacts on nearby receptors
  - Odour modelling for the proposed development predicts that all ground level concentrations of odour are predicted to comply with the Queensland Odour Guideline
  - While there are areas of significant vegetation on site, the proposed development areas have sought to not disturb or significantly impact on the areas of high significance
  - Clearing of Category B vegetation is proposed to occur along the extent of the proposed access route from Champions Way, but limited to the extent of the existing road reserve
  - Stormwater from the proposed development will be managed on the site to ensure a no worsening affect downstream
  - The development itself will create economic opportunities from a disused site
  - The development includes a focus on recycling and resource recovery
  - This recycling and resource recovery sector presents a point of difference to other waste facilities within the immediate area, and with the ever increasing need for recycling, will be a growing industry into the future. This has the potential to create economic resilience and diversity on the site and within the immediate area into the future.

#### 3.1.1 Minor change to application (1)

On 6 May 2020, the council received notification of a minor change to the application pursuant to section 52(1) of the *Planning Act 2016*. Specifically, the changes related to:

## Reconfiguring a Lot

- Consolidation of the lots for the proposed Use - Reconfiguring a Lot - Thirteen (13) Lots into Five (5) Lots.

## Material Change of Use

- Reduce the height of the proposed landfill area for Ironbark Pit and Lanes Pits from 77mAHD to 68mAHD
- Increase the recycling rate of the proposal
- Amendment to Environmentally Relevant Activity (ERA) thresholds as below:
  - Environmentally Relevant Activity 54 - 2(c) Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste more than 10,000t
  - Environmentally Relevant Activity 60 – 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >200,000t/yr
  - Environmentally Relevant Activity 62 - 1(b)- Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing general waste.

Council notified each referral agency of these changes on 8 May 2020, confirming that the changes were accepted as a 'minor change'.

### 3.1.2 Minor change to application (2)

On 10 December 2020, the council received notification of a further minor change to the application pursuant to section 52(1) of the *Planning Act 2016*. Specifically, the change related to the material change of use component of the application as below:

- The dewatering of existing mine voids were proposed to occur as part of this development (i.e. the Waste EA) rather than via amendment to the existing mining EA as was originally proposed.

Council confirmed this change to be a minor change on 24 December 2020 and each referral agency was notified of this minor change on the same day.

## 3.2 Council information request

On 20 January 2020, the council issued an information request for the application requesting further detail of the proposed development. The information request sought further information with respect to the council's concerns including in relation to traffic, rehabilitation and revegetation, noise, odour, air quality, landscape and visual amenity, risks associated with landfill gas generation, impacts to vegetation, flooding and stormwater management, subsidence and groundwater impacts. The information request also requested that matters raised in the Third Party Advice responses from the Department of Natural Resources, Mines and Energy and Department of Defence be addressed.

## 3.3 Response to council information request

On 27 April 2020, the applicant responded to the council's information request and included additional and amended plans/technical reports to address the matters raised by the council.

## 3.4 Public notification and submissions

The application was publicly notified between 15 May 2020 and 9 June 2020.

Sixty (60) properly made submissions were received by the council during the public notification period. A summary of the issues raised in the submissions is below:



- The proposal will have detrimental impacts upon the Cunningham Highway from the additional heavy vehicles using this road, particularly impacts upon the traffic intersection at Ipswich-Rosewood Road/Cunningham Highway
- Potential for impacts upon rural amenity from noise, odour and dust from landfill operations, including movement of heavy vehicles in and around the site
- The stated height of the landfill after completion of operations is many metres above the original land profile and therefore represents a permanent negative impact upon visual amenity for local residents
- Potential for impacts upon local waterways from chemicals leaching from the landfill into the creeks and the water table
- Potential for stormwater and flooding impacts caused by changed levels across the site
- The attraction of rats and birds to the area due to landfill operations
- Potential fire hazard from landfill gas
- Reputational damage to region and to local festivals/tourism operators, as tourists will not want to visit the area if landfill site causes odour issues
- The land involved contains significant heritage and environmental values that needs to be preserved not further destroyed. The area should be fully rehabilitated to koala habitat
- Land values are likely to decrease due to the area becoming known as a landfill site
- The mining voids on site were to be rehabilitated under the previous mining permit. The proposed landfill operation is not consistent with mining rehabilitation
- Lack of meaningful consultation with the local community
- There is no clear indication of the staging of the resource recovery component of the application, with landfill being the application's primary focus
- There is no evidence that the proposal will maximise recycling, with the proposed waste recovery rates for the facility being well below those targets adopted by the Queensland Government
- The need for the development has not been demonstrated.

## 3.5 Council decision

On 17 September 2021, Council issued its decision on the application. The decision approved the following aspects of the application, subject to conditions:

- Reconfiguring a Lot (Thirteen (13) Lots into Five (5) Lots)
- Material Change of Use – Special Industry (Waste Transfer and Resource Recovery Facility – includes waste recycling, reprocessing, storing, dismantling, baling, screening, washing, crushing, grinding, milling, sizing or separating activities) over part of proposed Lot 101 of Development Approval 10674/2019/CA (over existing Lots 230 CH3132 and 231 CH3132)
- Environmentally Relevant Activity 54 - 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste more than 10,000t (in accordance with the SARA referral agency response)
- Environmentally Relevant Activity 62 - 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing general waste (in accordance with the SARA referral agency response)
- Environmentally Relevant Activity 60 - 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >200,000t/yr (in accordance with the SARA referral agency response).

Council refused the following aspects of the application:

- Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial & Industrial & Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area

- Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area

Council's Statement of Reasons identifies the following reasons for refusing part of the application (summarised below):

- The landfill component of the proposed development does not promote resource recovery and will act as a disincentive for resource recovery, and does not facilitate the achievement of waste reduction targets such as 'zero net waste' and discouraging landfill
- It has not been demonstrated that there is an economic, community or planning need for the landfill component of the proposed development
- It has not been demonstrated that the proposed landfill design will appropriately address the risk of total and differential settlement of the landfill
- It has not been demonstrated that the dewatering of the void will not have impacts on the receiving environment
- It has not been demonstrated that the landfill component of the proposed development will not result in impacts or risks to groundwaters now and in the future
- It has not been demonstrated that there will be acceptable risks to the natural environment post-closure of the landfill component
- The landfill component of the proposed development is contrary to the planning principle that development should not cause (or have the potential to cause) contamination or other adverse environmental impacts
- The landfill component of the proposed development is contrary to the planning intention in the Ipswich planning scheme 2006 that the land be rehabilitated for the intended future land uses, as the completed landfill is unlikely to be suitable to accommodate future industrial land uses
- It has not been demonstrated that the proposed landfill component of the development will achieve positive rehabilitation outcomes for the land after the use has ceased
- It has not been demonstrated that the landfill component of the proposed development presents an opportunity to significantly improve long-term amenity outcomes for surrounding sensitive uses
- It has not been demonstrated that there are any benefits from partially backfilling the mining voids as proposed.

## 3.6 Referral agencies assessment

### 3.6.1 State Assessment and Referral Agency (SARA)

On 20 January 2020, the application was referred to SARA as a concurrence agency.

The application is also taken to be an application for an Environmental Authority, which was assessed concurrently by the Department of Environment and Science (DES).

On 18 February 2020, SARA issued an information request in relation to the following matters:

- *Environmentally Relevant Activities (ERAs)*, including applicable thresholds for the proposed ERAs and relevant application forms, registered suitable operator record, proposed rehabilitation plan, waste management and the types of waste to be accepted on site, further detail in relation to compliance with the State Development Assessment Provisions (SDAP) 'State Code 22 – ERAs', interaction with existing Environmental Authorities (EAs), surface water quality monitoring, dewatering of the voids in the tailings dam/s, stormwater and leachate management, sewage treatment, groundwater, engineering considerations, polyfluoroalkyl substances (PFAS), landfill life, visual amenity, clean earth definition, site based management plan, air quality assessment, and noise assessment, and the activity's impacts upon prescribed Matters of State Environmental Significance (MSES) and Matters of National Environmental Significance (MNES)
- *State-controlled road and railway network impacts*, including traffic modelling and pavement impact assessment, Champions Way access, stormwater impacts on State transport infrastructure, dangerous goods, and railway level crossing safety.



On 27 April 2020, the applicant provided a response to SARA's information request.

On 22 May 2020, based on the technical advice from DES and the Department of Transport and Main Roads, SARA requested further information from the applicant in relation to impacts from proposed environmentally relevant activities and impacts upon the State-controlled road network.

On 10 August 2020, the applicant provided a response to the request for further information.

On 16 September 2020, based on the technical advice from DES, SARA requested further information from the applicant in relation to MSES and vegetation, surface waters, groundwater, engineering, registered suitable operator number, and interaction with existing EAs on site.

On 19 October 2020, the applicant provided a response to the request for further information. Further information was provided by the applicant on 13 November 2020.

On 21 January 2021, based on the technical advice from DES, SARA requested further information from the applicant in relation to the MSES and koala habitat, including delivery of offsets, surface waters and water quality, proposed void dewatering strategy, management of tailings, site plan, groundwater management and monitoring, and interaction with the existing mining EA. On 2 March 2021, the applicant provided a response to the request for further information. Further information was provided by the applicant on 30 April 2021 and 6 May 2021.

SARA assessed that the applicant did not adequately address matters relating to the management of tailings. Accordingly, the SARA conditions required the Tailings Dam, which is one of the proposed receiving areas for non-putrescible waste, to not be used.

On 2 July 2021, SARA issued a referral agency response with conditions which relate to the protection and enhancement of koala habitat, clearing of vegetation, and the operation of the proposed landfill activity.

## 3.6.2 Energex

The application triggered referral to Energex due to a substation being located on Lot 1 SP167885. This lot is within the site but is not impacted or in proximity to the proposed development.

On 28 February 2020, Energex provided a referral agency response to the council. The response advised Energex's position that the development is to be carried out in accordance with identified proposal plan, and that:

- no buildings or structures conflict with the existing 11kv overhead line and asset
- an easement should be registered in Energex's favour over the existing 11kv line which traverses Lot 230 on CH3132 or alternatively, enter into an agreement with Energex to either remove or relocate the existing electricity line and assets
- satisfactory clearance from existing electricity wires must be maintained in accordance with the Electrical Safety Regulations 2013 at all times.

## 4.0 Call in request

On 1 October 2021, Urbis Pty Ltd, on behalf of the applicant made a request to the Planning Minister to exercise his ministerial call in powers for the application. A summary of the request is provided below, and a copy of the request is provided in **Schedule 1**.

The call in request asserts that the application impacts on environmental and economic interests of the state. In summary, the request contends that:

- The project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site, representing a significant economic investment within South East Queensland
- The project aligns with various State Government and Ipswich City Council policies that seek to increase recycling rates within QLD and promote a cyclical economy as a driver for increasing recycling and reducing reliance on landfill operations
- As a standalone operation, the modelling demonstrates the development will increase Queensland's, as a State, recycling rate by 4.1%, considerably contributing to the goal of achieving a State recycling rate of 90% by 2050
- The proposed development will provide for the remediation of previous mining activities on the site that have resulted in several large mining voids remaining on the property
- Utilising the voids for disposal of residual waste from the proposed resource recovery achieves both economic development on the site and increases job opportunities by making the recycling operation viable to operate
- The residual waste disposal also assists in returning the mining voids to natural ground level, while also generating economic activity which is a significant improvement on the existing requirements for the site
- The site at present is in a degraded environmental state, with limited activity occurring on site. The proposed development seeks to support existing ecological processes on site, by ensuring impacts are ameliorated and managed appropriately. Establishing the proposed development will create the necessary economic opportunities on the site to make rehabilitation and enhanced ecological outcomes a possibility
- The importance of appropriately located and designed industrial development is a key driver under the SPP to ensure that community health and safety is protected at all times
- The development site is located within a Regional Industry and Business Investigation Area under the Ipswich Planning Scheme and the defined Waste Activity Area under the Council's TLPI. The development proposal aligns with the general planning intent for the site, as identified by Council in the relevant planning documents
- The proposed development is able to operate and align with the State Interest of protecting community health and safety
- This site and proposed development represent an opportunity to create economic development on a challenging and derelict site and to establish a market leading recycling facility. Recycling is a growing and increasingly important industry in accordance with the Queensland Government's strategic objectives and capital investment in the requisite infrastructure is essential to take the industry forward
- The proposed development aligns with and furthers the State Interests as identified in the SPP, ShapingSEQ and importantly, the Queensland Waste Management and Resource Recovery Strategy
- The development represents significant investment within the Ipswich region that leads to real and permanent job creation on the ground and a significant growth in the resource recovery sector within SEQ, furthering the intent of State waste industry objectives
- The project is an exemplary project and a key driver in advancing the State Government's waste management and resource recovery objectives
- Due to the backlog in Planning and Environment Court hearings, there is no certainty around a final outcome in relation to this development application, which adds further costs and lengthy delays to the project
- Without timely assessment of applications of this type, investment in recycling infrastructure and local recycling jobs simply cannot be supported

- The project balances the economic development on the site with the protection and enhancement of environmental and social sustainability of the site by protecting and enhancing environmental elements of the site, and the potential economic growth on the site from the catalyst investment
- The application in its current form, as approved by Ipswich City Council, is unable to proceed on the basis of economic viability of the project.



## 5.0 Appeal

### 5.1 Wanless Recycling Park Pty Ltd appeal

An appeal against the decision by the council to refuse part of the application and against conditions on the approval was filed in the Planning and Environment Court on 15 October 2021 on behalf of the applicant. The Chief Executive received notice of the appeal on 18 October 2021. The appeal reference is 2715/21 and a copy of the notice of appeal is included at **Schedule 2**.

A general summary of the grounds for appeal include:

#### Need

- there is a town planning, community and economic need for the proposed development in the local area and South East Queensland
- the proposed development satisfies the test for need in the draft Ipswich Planning Scheme
- the landfill activity will operate for 17 years which is appropriate considering the ongoing need for landfill facilities, current waste reduction policies and the length of effect of the draft Ipswich Planning Scheme which anticipates landfill uses in the Ebenezer/Willowbank Waste Activity Area

#### Rehabilitation

- the proposed development will provide appropriate rehabilitation similar to pre-mining conditions and make provision for an appropriate future use
- the proposed development will facilitate the rehabilitation of several large mining voids on the land beyond that which is required under the existing environmental authority
- rehabilitation of the site would not be viable or occur through private development without the approval of the proposed development

#### Environmental impacts

- the proposed development promotes resource recovery
- the landfill and rehabilitation component is considered "sustainable" development
- the waste transfer and resource recovery facility is of a scale that justifies the landfill component and will operate beyond the completion of landfill activities
- the proposed development would result in acceptable environmental impacts with final rehabilitation achieving restored natural drainage channels and greater conservation outcomes for the locality
- were the land not to be developed for the proposed development it will result in poor ecological and hydraulic outcomes for the site and surrounding locality
- an Environmental Authority has been issued which authorises the undertaking of the proposed development

#### Site

- the site is co-located with similar uses and conveniently located for the efficient disposal of waste
- the constrained nature of the site as a result of former mining activities and its hydrological context means it is not suitable for other uses envisaged by the current and draft Ipswich Planning Schemes
- were the land not to be developed for the proposed development it would remain undeveloped, or otherwise not developed to its highest and best use
- the proposed development, being a difficult to locate activity, represents an efficient and suitable use of scarce industrial land
- the site has capacity for continued expansion of recycling and recovery facilities, and potential waste as an energy resources, as technology improves over time



### Amenity

- the site has been significantly disturbed by open cut mining activities and has poor amenity impacts on sensitive uses and the wider community
- the proposed development would not result in unacceptable amenity impacts and would improve amenity outcomes

### Other

- the proposed development is consistent with the Queensland Waste Management and Resource Recovery Strategy and Wanless's Resource Recovery Strategy which promote a cyclical economy as a driver for increasing recycling and reducing reliance on landfill operations
- the proposed development is anticipated by and consistent with the intent of the current and draft Ipswich Planning Schemes and community expectations for the site
- Wanless has significant experience in operating high recovery resource facilities

The council and the Chief Executive are parties to the appeal, as well as numerous submitters.

As at the date of this report, the online court record for the appeal does not identify any active steps having been taken in the appeal.

Under the Planning Act there is no requirement for the proposed call in notice to be given to the P&E Court and the giving of a proposed call in notice has no impact on the P&E Court proceedings. However, the giving of a call in notice will have the effect of discontinuing any appeal against a decision by the decision-maker for the application (s.104).

## 5.2 Other waste appeals

The Chief Executive is a party to three Planning and Environment Court appeals which relate to proposed landfill developments in the Ipswich local government area.

These appeals are in relation to two new landfill facilities (one in New Chum and the other in Jeebropilly) and the expansion of an existing facility in New Chum as follows:

- Cleanaway Solid Waste Pty Ltd: landfill; waste recycling, reprocessing and disposal including a waste transfer station; waste activity use including crushing, milling or grinding; and ERAs 33, 60 & 62
- Lantrak Property Holdings (QLD) Pty Ltd: landfill for non-putrescible waste and waste transfer station; and ERAs 33 & 60
- Austin BMI Pty Ltd: landfill, waste transfer station, resource recovery and ancillary industrial activities; and ERAs 33, 60 & 62.

The applicants have appealed the decisions of the council to refuse the development applications.

SARA's role in the appeals is limited to issues relating to the state interests it assessed, being traffic, noise, air quality, groundwater, surface water and ecological impacts.

Hearings on these matters have been completed and judgement has been reserved.



## 6.0 Considerations for issuing a proposed call in notice

### Legal advice:

Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege)

Under section 91 of the Planning Act, the Planning Minister may call in a development application only if the application involves, or is likely to involve, a state interest.

A state interest is defined in schedule 2 of the Planning Act as an interest that the Planning Minister considers:

1. *affects an economic or environmental interest of the State or a part of the State; or*
2. *affects the interest of ensuring the Act's purpose is achieved.*

Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege).

Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege). Later sections in this report set out the matters the department considers are relevant considerations informing the decision on whether to issue the proposed call in notice.

The *Human Rights Act 2019* (the Human Rights Act) imposes obligations that are applicable to the Minister's decision whether to issue a proposed call in notice. These are addressed in section 6.2 of this report.

State planning policies (SPP) set out '*planning and development assessment policies about matters of State interest*' (section 4(a) of the Planning Act). A SPP is a state planning instrument made by the Planning Minister to protect or give effect to state interests (section 8(2) of the Planning Act). The current SPP is the SPP dated July 2017.

A regional plan is a state planning instrument which sets out '*integrated planning and development assessment policies about matters of State interest for particular regions of the State*' (section 4(b) of the Planning Act). A regional plan is also an instrument made by the Planning Minister to protect or give effect to state interests (section 8(2) of the Planning Act). The South East Queensland Regional Plan 2017 (*ShapingSEQ*) is the relevant regional plan for the application.

The intent of *ShapingSEQ* is to advance '*a range of state interests defined in the State Planning Policy (SPP) by providing a spatial context, defining key outcomes, and establishing planning strategies and directions to achieve these outcomes in response to SEQ's unique values, drivers, expectations, projections and constraints*' (p15).

The SPP and regional plan are relevant instruments for the Planning Minister's consideration and are expanded upon in section 6.1.

For the impact assessable component of this application, section 45(5) of the Planning Act states that an assessment

(a) *must be carried out—*

- (i) *against the assessment benchmarks in a categorising instrument for the development*
- (ii) *having regard to any matters prescribed by regulation for this subparagraph; and*

(b) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

The planning scheme is a categorising instrument referred to in section 45. Accordingly, the Planning Scheme is a key document for the council's assessment of the application and includes relevant assessment benchmarks.

The planning scheme does not identify that the SPP or the regional plan are appropriately integrated in the planning scheme.

## 6.1 State interests

For the reasons provided below, the department considers the application involves, or is likely to involve, economic and environmental interests of the state or part of the State.

### 6.1.1 Environmental interests

“Environment” is defined under the Planning Act by reference to section 8 of the *Environmental Protection Act 1994*, which in turn defines “environment” as:

“**Environment** includes—

- (a) *ecosystems and their constituent parts, including people and communities; and*
- (b) *all natural and physical resources; and*
- (c) *the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and*
- (d) *the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).”*

#### **Application and Call in request**

The application and call in request raises the following environmental issues:

- The site at present is in a degraded environmental state, with limited activity occurring on site
- There is a clear intention in the planning framework to rehabilitate existing mining voids in a fashion that will foster appropriate uses into the future including green spaces, environmental corridors and active or passive recreation areas
- The proposed development advances the intent of the planning scheme by achieving an outcome that will facilitate the rehabilitation of the land. Through the proposed development, significant improvements in the property are proposed, that will support rehabilitation of the voids
- Environmental and amenity impacts are minimised by the proposed design and operation of the site. Various technical reports have been prepared as part of the development application that identify the relevant impacts and include recommendations to reduce the impacts. With the recommendations implemented on site, the potential amenity impacts as well as wider ecological impacts on the site are limited and appropriately managed
- As a standalone operation, modelling demonstrates that the development will increase Queensland’s recycling rate by 4.1%, considerably contributing to the goal of achieving a State recycling rate of 90% by 2050.

#### **Council decision notice**

Council’s statement of reasons states the following in relation to this state interest:

- The landfill component of the proposed development does not promote resource recovery and will act as a disincentive for resource recovery and does not facilitate the achievement of waste reduction targets such as ‘zero net waste’ and discouraging landfill
- It has not been demonstrated that the dewatering of the void will not have impacts on the receiving environment
- It has not been demonstrated that the landfill component of the proposed development will not result in impacts or risks to groundwaters now and in the future
- It has not been demonstrated that there will be acceptable risks to the natural environment post-closure of the landfill component
- The landfill component of the proposed development is contrary to the planning principle that development should not cause (or have the potential to cause) contamination or other adverse environmental impacts

- It has not been demonstrated that the proposed landfill component of the development will achieve positive rehabilitation outcomes for the land after the use has ceased
- It has not been demonstrated that the landfill component of the proposed development presents an opportunity to significantly improve long-term amenity outcomes for surrounding sensitive uses.

### Submissions

The submissions contend that:

- There is the potential for impacts upon rural amenity from noise, odour and dust from landfill operations, including movement of heavy vehicles in and around the site
- The stated height of the landfill after completion of operations is many metres above the original land profile and therefore represents a permanent negative impact upon visual amenity for local residents
- There is the potential for impacts upon local waterways from chemicals leaching from the landfill into the creeks and the water table
- There is the potential for stormwater and flooding impacts caused by changed levels across the site
- The land involved contains significant heritage and environmental values that needs to preserved not further destroyed. The area should be fully rehabilitated to koala habitat.

### Relevant instruments

The following instruments and documents are relevant to this state interest.

#### Planning Scheme and TLPI

The site contains former mining voids that the TLPI contemplate will be filled and rehabilitated to allow for possible future use of these areas.

Relevantly:

- The site is within the regional business and industry investigation zoned land of the planning scheme. The purpose of this zone includes:
  - “(j) Degraded or contaminated sites (including former mining sites and overburden stockpiles) are rehabilitated and used in an appropriate manner.*
  - “(k) Buffers are created between incompatible uses to ensure that there are no discernible amenity or environmental impacts which affect adjacent sensitive land uses” (p6-41).*
- The site is also within the Former or Current Mining Lands precinct of the Ebenezer Willowbank Sub Area of the zone. The sub area supports special industries which includes waste recycling, reprocessing and disposal
- The site is located within the Waste Activity Area and the Waste Activity Buffer Area of the TLPI. The purpose of the TLPI is to regulate applications for new or expanded waste activities including for the current site, to protect existing and planned sensitive receiving uses from adverse impacts for waste activities.

### SPP

- The SPP identifies the state interest in ‘Liveable communities’ (within the theme of “Planning for liveable communities and housing”) (p22)
- The SPP provides that the state interest is: ‘*Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.*’ (state interest statement, p26)
- This relevant to the application as the SPP seeks that all levels of government and the private sector deliver a range of infrastructure and services to support communities, including waste management
- The SPP also identifies the state interest in ‘Emissions and hazardous activities’ (within the theme of “Planning for safety and resilience to hazards”) (p47)
- The SPP provides that the state interest is: ‘*The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.*’ (state interest statement, p49)
- This relevant to the application as the SPP seeks that certain developments need to be planned and effectively managed to avoid or minimise *any potential adverse impacts on sensitive land uses.*



## **Conclusion**

The department considers the application involves, or is likely to involve, an environmental interest of the state or a part of the state because:

- The applicant contends:
  - there is a clear intention in the planning framework to rehabilitate existing mining voids in a fashion that will foster appropriate uses into the future including green spaces, environmental corridors and active or passive recreation areas
  - as a standalone operation, modelling demonstrates the development will increase Queensland's recycling rate by 4.1%, considerably contributing to the goal of achieving a State recycling rate of 90% by 2050
  - the environmental and amenity impacts are minimised by the proposed design and operation of the site.
- In contrast, Council and submitters contends that:
  - The landfill component of the proposed development does not promote resource recovery and will act as a disincentive for resource recovery and does not facilitate the achievement of waste reduction targets such as 'zero net waste' and discouraging landfill
  - The applicant has not demonstrated the environmental impacts are appropriately managed
- The site is subject to planning scheme provisions and a TLPI which contemplate mining voids will be filled and rehabilitated to allow for possible future use in this location. The SPP is also concerned with ensuring this type of development is compatible with surrounding land uses
- The department notes that the TLPI was replaced by a later TLPI (TLPI No 2 of 2020) on similar terms to the TLPI in effect at the time of the application, to address landfill and waste industry uses occurring in the area subject to the TLPI
- Further, Council has passed a resolution seeking to make a further TLPI. This further TLPI also seeks to provide a regulatory framework for new or expanded Waste Activities within the TLPI Boundary.

The above points demonstrate this application involves complex and significant environmental issues associated with potential rehabilitation of mining voids and the environmental impacts of waste activities.

## **6.1.2 Economic interests**

### **Application and Call in request**

The application and call in request raise the following economic issues:

- The development will create economic opportunities and employment opportunities
- The project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site, representing a significant economic investment within South East Queensland
- This site and proposed development represent an opportunity to create economic development on a disused site and to establish a recycling facility. Recycling is a growing and increasingly important industry in accordance with the Queensland Government's strategic objectives and capital investment in the requisite infrastructure is essential to take the industry forward.

### **Council decision notice and Submissions**

Council's statement of reasons and the submissions contend the following in relation to this state interest:

- It has not been demonstrated that there is an economic, community or planning need for the landfill component of the proposed development
- Reputational damage to region and to local festivals/tourism operators, as tourists will not want to visit the area
- The need for the development has not been demonstrated.

### Relevant instruments

The following instruments and documents are relevant to this state interest.

#### Planning Scheme

- The site falls within the regional business and industry investigation zoned land of the planning scheme
- The purpose of the zone includes:
  - “(a) Uses and works within the Regional Business and Industry Investigation Zone provide regional business enterprise and industry employment opportunities...”*
  - “(o) Uses and works support the efficient provision or extension of infrastructure, including both physical infrastructure and human services and facilities.” (p6-41)*
- The site contains former mining voids that are to be filled and rehabilitated to allow for possible future use with associated economic opportunities.

#### Regional Plan

- The site, along with surrounding land, is identified in ShapingSEQ as being within the Ebenezer major enterprise and industrial area Regional Economic Cluster (REC) (Map 3)
- The regional plan is relevant to the application as ‘Regional Economic Clusters’ are intended to leverage traditional strengths and competitive advantages to advance the economy and drive greater levels of local employment throughout SEQ’ (page 50).

### Conclusion

The department considers the application involves, or is likely to involve, an economic interest of the state or part of the state because:

- The application states that the proposed development includes the redevelopment of disused mining voids that will create economic opportunities for the area
- The call in request identifies that the project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site
- The call in request identifies that the site and proposed development represent an opportunity to create economic development and to establish a market leading recycling facility
- ShapingSEQ identifies the site, along with surrounding land as being within the Ebenezer major enterprise and industrial area Regional Economic Cluster and these areas are intended to advance the economy, drive greater levels of local employment.

## 6.2 Human rights consideration

The Human Rights Act protects 23 human rights. The principal aim of the Human Rights Act is to ensure that respect for human rights is embedded in the culture of our public sector. The Human Rights Act requires public entities to:

- act and make decisions in a way that is compatible with human rights
- in making a decision, give proper consideration to any human rights relevant to the decision.

A human rights assessment for this decision is at **Schedule 3**, for the Planning Minister’s consideration in making the decision whether to issue the proposed call in notice.

## 6.3 Options and Reasons

The department considers the application involves or is likely to involve a state interest and it would be open to the Planning Minister to determine that the application involves a state interest.

If you are satisfied that the application involves, or likely to involve, a state interest, you may exercise the discretion to decide to issue a proposed call in notice, decide not to issue the proposed call in notice, or do nothing.



The department recommends that you issue the proposed call in notice for the following reasons:

- The proposed development involves, or is likely to involve, the state interests set out above
- The application is for the development of a resource recovery facility, and associated landfill activities that involving the filling of existing mining voids on the site
- The application involves complex and significant environmental issues associated with potential rehabilitation of mining voids and the environmental impacts of waste activities
- The call in request asserts that the project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50 ongoing permanent jobs from the commencement of the operation of the site
- The importance of appropriate assessment of waste activities in this location is reflected in the planning instruments including the making of the TLPI and the current TLPI No 2 of 2020
- There are three Planning and Environment Court appeals which relate to proposed landfill developments in the council local government area. These appeals are awaiting judgement.
- The department confirms:
  - This application is the subject of a current Planning and Environment Court appeal
  - There were sixty properly made submissions for the application
  - There are in excess of fifty submitter co-respondents
- This indicates the level of complexity associated with the assessment of waste activities in this area and the significant community concern. If this application is called in, this will avoid the need for the appeal to continue and avoid potential time and cost implications for a number of parties
- Should the application be called in, it will be open to you to decide at what stage the assessment process will restart and have regard to any matter you consider relevant in addressing the above issues and providing for a full and comprehensive assessment of the application
- In accordance with the *Human Rights Act 2019*, the department has considered and given proper consideration to the human rights relevant to your decision whether to issue the proposed call in notice. You have been provided with a human rights assessment document prepared by the department to assist your consideration. This assessment determined a decision to issue this proposed call in notice is compatible with human rights.

## 7.0 Call in process

### Proposed call in notice

Before calling in a development application, the Planning Minister must give a proposed call in notice to the council as decision maker, the applicant, each referral agency (other than the chief executive), and any submitters for the application that the Minister is aware of when the notice is given (section 102 of the Planning Act). The proposed call in notice must seek representations during the representation period in respect of the proposed call in and enclose a copy of the proposed call in notice.

The council's decision notice includes a list of submitters to the development application, including the address for service that each submitter provided with their submission to the council (**Schedule 4**).

Section 47 of the Planning Regulation 2017 (Planning Regulation) prescribes the timeframe for giving a proposed call in notice. For this development application, the notice must be given *any time before the latest of the following*—

- (i) 15 business days after the day the chief executive receives notice of an appeal about the decision for the application.
- (ii) if there is a submitter for the application—50 business days after the day the decision notice is given to the applicant.

As the decision notice was given to the applicant on 17 September 2021, calculating the date having regard to paragraph (ii), means the last day that the Planning Minister may give the proposed call in notice is **29 November 2021**.

As required by section 46 of the Planning Regulation, the proposed call in notice must state:

- that the Planning Minister is proposing to call in the application
- the reasons for the proposed call in
- the point in the process for assessing and deciding the application from which the Planning Minister proposes the process will restart if the application is called in. The department recommends the assessment process should restart at the start of the decision stage.

**Legal Advice:** Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege)

Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege)

- that the person to whom the notice is given, may make representations to the Planning Minister about the proposed call in within a specified period (known as the 'representation period').

As required under section 50 of the Planning Regulation, the representation period must be at least five business days after the day the proposed call in notice is given.

The department recommends that a representation period of 30 business days should be provided. The department considers that the representation period should be extended due to the timing of giving a proposed call in notice in proximity to the Christmas and New Year period, the type and scale of the proposed development and the state interests the application involves, or is likely to involve.

If the Planning Minister decides to call in the development application, the appeal will be discontinued as provided for in section 104(1)(b) of the Planning Act.

### Call in notice

After the representation period ends, the Planning Minister must consider all of the representations made and decide whether to call in the application. The call in notice must be given within 20 business days after the end of the representation period for the proposed call in notice (section 103(2) of the Planning Act).

Section 104(1) of the Planning Act provides that the effect of giving the call in notice to the decision maker i.e. the council, means that the council's decision for the application is of no effect and that *'the process for assessing the application starts again from the restarting point'*.

### **Restarting point**

The department is of the view that if the Planning Minister decides to call in the application, the assessment process should, for the reasons discussed above, restart at the start of the decision stage.

### **Deciding the called in application**

If the Planning Minister decides to call in the application, pursuant to s105(5) of the Planning Act, he may consider anything that he considers relevant in making a decision.

Further advice, including legal advice, relating to the following can be provided at that time about:

- what matters will be relevant to the Planning Minister's decision
- the Planning Minister's powers for deciding the application (including refusing, approving, approving in part, or approving subject to conditions).

## 8.0 Conclusion

A request from the applicant has been received requesting the Planning Minister exercise his ministerial call in powers for the application.

The department is of the view that:

- the development involves, or is likely to involve, a state interest
- it is open to the Planning Minister to decide to exercise his discretion to issue the proposed call in notice, decide not to issue the proposed call in notice, or take no action at this time
- if the Planning Minister decides to issue the proposed call in notice, the notice must be issued on or before 29 November 2021
- should the Planning Minister decide to issue a proposed call in notice, the department recommends that:
  - the Planning Minister should provide a representation period of 30 business days for parties who receive the proposed call in notice under section 102 of the Planning Act to make representations
  - the assessment process restart at the start of the decision stage (should the Planning Minister decide to call in the application).



## Schedule 1: Request for call in



## Schedule 2: Notice of Appeal



## Schedule 3: Assessment under Human Rights Act 2019



## Schedule 4: Council decision notice





## Schedule 5: Abbreviations



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30 September 2021

Mr Steven Miles,  
 Deputy Premier of Queensland  
 C/- Mr Damien Walker  
 Director General  
 Department of State Development, Infrastructure,  
 Local Government & Planning  
 1 William Street  
 BRISBANE QLD 4000

Dear Mr. Miles,

## **REQUEST TO CALL IN DEVELOPMENT APPLICATION – RESOURCE RECOVERY AND RESIDUAL LANDFILL OPERATION, EBENEZER QLD**

We write to you to request that you issue a proposed call in notice for a development application for a Material Change of Use for a Waste Activity Use that includes recycling, resource recovery and a landfill operation for associated residual waste at Ebenezer ('the **Application**'). The application and site details are as follows:

- ICC's development application number is 10674/2019/CA.
- The site address is 266-304 Coopers Road, Willowbank, 82A Lanes Road, Ebenezer, 82B Lanes Road, Ebenezer, 82C Lanes Road, Ebenezer, 82D Lanes Road, Ebenezer, 82E Lanes Road, Ebenezer, 82F Lanes Road, Ebenezer, 350 Coopers Road, Willowbank, 166-198 Bergmans Road, Ebenezer, 202-282 Bergmans Road, Ebenezer, Lot 257 Unnamed Road, Ebenezer, Lot 312 Coopers Road, Ebenezer, 82H Lanes Road, Ebenezer, and Lot 1 Coopers Road, Ebenezer ('the **site**').

This request is being made on behalf of Wanless Recycling Park Pty Ltd ('**Wanless**'), the applicant for the development application. Wanless is a renowned operator within the waste industry, currently operating a significant recycling operation from their Sydney Recycling Park in Kemps Creek, NSW. At this site, Wanless is achieving a recycling rate exceeding 80% of all material received on site. The business was initially started in Brisbane, before expanding to Sydney. Wanless is now looking to expand their business towards Ipswich, seeking to establish a recycling and resource recovery facility within Ebenezer, west of Ipswich ('the **project**').

The project itself represents a significant investment within South East Queensland that should be considered as a State Interest for the following reasons:

1. The project includes a \$200m capital investment to establish a new resource recovery facility on the site and will initially create 300 jobs during the construction phase, with an additional 50

ongoing permanent jobs from the commencement of the operation of the site, representing a significant economic investment within South East Queensland.

2. The project clearly aligns with various State Government and Ipswich City Council policies that seek to increase recycling rates within QLD and promote a cyclical economy as a driver for increasing recycling and reducing reliance on landfill operations, identifying new investment within the resource recovery sector as the only way to achieve greater recycling. Wanless is a significant economic investment in South East Queensland, to establish a facility that will be targeting a 45-60% recycling rate. As a standalone operation, the modelling demonstrates the development will increase Queensland's, as a State, recycling rate by 4.1%, considerably contributing to the goal of achieving a State recycling rate of 90% by 2050.
3. The proposed development will provide for the remediation of previous mining activities on the site that have resulted in several large mining voids remaining on the property. Under the current obligations for site remediation attached to the previous mining activities (as stipulated under the existing Environmental Authority EPML00594013), the former mining voids will not be filled and only stabilisation works will be required. Under the current proposal, private capital will be used to fill Lanes and Iron Bark pits with a combination of residual waste and clean fill material, restoring the landform to close to its pre-mining contours.

## THE PROJECT

Under the development proposal, the site will receive up to 1 million tonnes of waste material annually at the full operation, which is expected to be achieved in year seven of operation. Approximately 90% of all waste that enters the site will go through the recycling process within the site's resource recovery facilities, ramping up from 45% from the commencement of the operation. Only 10% of waste received will bypass the recycling facilities and this will only occur for waste streams that are unable to be recycled in any fashion (i.e. asbestos materials). The operation will employ best practice recycling technology to facilitate the proposed recycling rate.

The Resource Recovery Facility encompasses 26,880m<sup>2</sup> of enclosed floor area within which all of the recycling activity will occur. This area on site will consist of the following:

- Four (4) Transfer and Resource Recovery Facilities (primary operations) – 2 for Construction & Demolition (C&D) / Commercial & Industrial (C & I) waste (dry waste) and 2 for municipal waste (wet / putrescible waste) associated with Ironbark Pit and Lanes Pit
- Four (4) Transfer and Resource Recovery Facilities (secondary operations) with the purpose to take sorted goods from primary operation to either store, recycle, or recover further material. Two facilities will be associated with dry waste and two will be associated with general / municipal waste.

The types of recycling processes that will occur within the proposed Resource Recovery Facility buildings are outlined below:

- Shredding;
- Screening;
- Crushing;
- Magnetic and eddy current separation;
- Optical sorting;



- Hand picking; and
- Air classification.

It is noted that no chemical processes will be employed on site as part of the resource recovery operation. The materials that are sought to be recovered on site include, but are not limited to, timber, paper, cardboard, metals, aggregates, soils, bricks, green waste, concrete rubble, plastics and fabric. Both Council and DES have approved the recycling operation on the site, endorsing the site as an appropriate site for the recycling of waste. The conditions of approval from both Council and DES require mechanical recycling processes to be contained within the proposed buildings, and any putrescible waste recycling, processing or storage to occur under negative air pressure with air extraction systems. The recycling buildings will be fitted with dust and odour collection systems, and fully contained within the negative pressure environment, which also forms part of the conditions of the Environment Authority. Air which is removed from these buildings is passed through a dust collection system before being processed through a Bio Filter, which effectively treats the odours and is the accepted best practice for eliminating organic based odours. This is to ensure that no odour from recycling is experienced off site.

The residual waste will be transferred to Lanes and Ironbark Pits, which will provide approximately 18 years of landfill air space. The strategic advantage of locating the recycling operation adjacent to the landfill space is central to the development proposal and assists in mitigating impacts associated with waste transportation that would otherwise be necessary if the landfill was located offsite.

## APPLICATION CONTEXT

The project is proposed via a development application to Ipswich City Council that formally includes the following specific elements:

- **Reconfiguring a Lot** – Development Permit for a Boundary Realignment (13 into 5 Lots)
- **Material Change of Use**
  - *Waste Activity Use* involving a Landfill
  - *Waste Activity Use* involving Rehabilitating a Mining Void
  - *Waste Activity Use* involving Waste Recycling, Reprocessing and Disposal (Special Industry)
  - *Waste Activity Use* involving Crushing, Milling or Grinding
- **Environmental Relevant Activities**
  - 54 – Mechanical Waste Processing
  - 60 – Waste Disposal
  - 62 – Resource Recovery and Transfer Facility Operation

The below is an overview of the timeline of the application and the comprehensive assessment from both the State Government and Ipswich City Council:

- Lodged with Ipswich City Council 19 December 2019
- Information Requests issued by Ipswich City Council on 20 January and from SARA on 18 February 2020

- Information Requests responded to by the Applicant 27 April 2020
- Public Notification Period ran from 13 May 2020 to 5 June 2020. A total of 60 submissions were received by Council regarding the development application.
- Referral Agency Approval from Department of Environment and Science (DES) and State Assessment Referral Agency (SARA) was received on 2 July 2021.
- Council carried out its assessment of the application which included an Independent Development Review Panel process and Public Hearing on 19 August
- Council decided the application at a Full Council Meeting on 16 September and issued its decision notice on 17 September.

Notably, DES and SARA moved to approve all components of the application including the resource recovery component and the residual waste landfill operation. This approval was achieved after 15 months of working with the State Departments to resolve all issues that were associated with the development. The approval includes conditions that restricts the movement of coal tailings from the previous mining activities on the site until the management of the tailings is fully resolved which by virtue of the condition, does not permit waste filling the occur within the Tailing's Dam under the current development application.

While Ipswich City Council's decision represents a part approval of the development application, it does not provide a development approval that can be acted upon by Wanless and renders the project unfeasible. An approval to operate the recycling facilities in isolation of the landfilling operation significantly impacts on profitability and sustainability of the operation. Recycling, particularly within the Queensland context, cannot currently achieve a 100% recycling rate from the commencement of the operation and as such, residual waste will be created. Without being able to dispose of the residual waste on the same site, the costs of transportation of the residual waste offsite and competitive gate fees at other landfilling operations will have an enormous impact on the viability of the project.

## PLANNING CONTEXT

The site is located within Ipswich City Council area, to the west of Ipswich City in Ebenezer. The surrounding area is characterised by historic mining activities, existing landfill operations, Amberley Air Base, and a combination of rural and urban residential areas. The site is specifically zoned as a Regional Industry and Business Investigation Area under the Ipswich City Planning Scheme, which highlights that the area is an appropriate area for industrial and business activities, subject to investigation into the historic land uses and overcoming associated land constraints caused. The development site is heavily disturbed by the previous mining activities, most notably the significant voids that remain on the site from the previous mining activities.

In addition to the Ipswich Planning Scheme, the site is also regulated by Council's Temporary Local Planning Instrument ('TLPI') No. 2 of 2020 (Waste Activity Regulation). The TLPI seeks to regulate new and expanded waste operations within the Ebenezer, Willowbank and Jeebropilly locality. The TLPI establishes a Waste Activity Area and a Waste Activity Buffer Area to regulate the area within which waste activities can be established.

The proposed development responds directly to Council's TLPI and did not propose any waste activity uses outside of the Waste Activity Area, taking into consideration all recycling operations and residual landfilling on site. Complying with the provisions of the TLPI comes at the cost of a significant portion of the Lanes Pit mining void – the portion of the void is proposed to be filled with clean fill only in accordance with the TLPI provisions.

The planning framework promotes the area as being an appropriate location for both business and industrial activities under the provisions of the Ipswich Planning Scheme as well as Waste Activity Uses in accordance with the TLPI over the site. Notwithstanding the planning intent for the site under the planning framework, potential amenity and environmental impacts of the proposed development must be considered. Over a 22 month period, Wanless has worked through a substantial body of technical reporting to ensure the development is designed and constructed to protect the established surrounding areas, as well as the natural environment.

## STATE INTERESTS

In the following section, an assessment is provided of the alignment between the proposed development and the relevant State Interests of the Queensland Government. The State Interests are determined having regard to key planning and strategy documents – the State Planning Policy (SPP), ShapingSEQ and the Queensland Waste Management and Resource Recovery Strategy.

### State Planning Policy

The SPP outlines the planning policies and interests of the State Government for incorporation into the planning and assessment frameworks and includes State Interest statements. The following provides an assessment of those parts of the SPP that are applicable to the current development application.

4. Development and construction: Employment needs, economic growth and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed-use development opportunities

The proposed development includes \$200 million of investment within the Ipswich LGA. The development will introduce 300 construction jobs and 50 direct operational jobs at the time the facility opens. The opportunity on the site to create and grow additional jobs as the operation grows with time is significant and additional to the job numbers stated above. The project presents a significant economic investment in a currently underutilised and derelict site. In the event that the residual landfill operation does not receive approval, this investment and job creation opportunity will be lost.

In its current form, there is limited economic growth generated from the site. The mining lease rehabilitation requirements permit the existing voids to be retained on site as “water storage and fauna habitat”. In order for the site to generate economic development and job opportunities, the voids must be filled and rehabilitated. Without the proposal, there is no prospect that the voids will be filled with clean fill and rehabilitated back to natural ground level as there is no economic incentive or regulatory requirement to do so and it would be cost prohibitive. Utilising the voids for disposal of residual waste from the proposed resource recovery achieves both economic development on the site and increases job opportunities by making the recycling operation viable to operate. The residual waste disposal also assists in returning the mining voids to natural ground level, while also generating economic activity which is a significant improvement on the existing requirements for the site.

In short, the proposal presents an economic development opportunity where there is limited opportunities to do so currently. Combined with the residual waste disposal on site, the proposal creates significant long term job opportunities for the area. In the current approved form, without the residual waste disposal, the project is unlikely to proceed.

5. Biodiversity: Matters of environmental significance are values and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.



The site is identified as having a number of environmental values that ought to be protected including remnant habitat vegetation, protected vegetation, koala movements, groundwater linkages, and surface water runoff. The matters of biodiversity have been assessed through the development application, and the proposed development has been approved by both State Government and Ipswich City Council.

The significant body of technical environmental assessments that have been prepared by the applicant outline that any potential impacts associated with the development can be ameliorated through site design and conditioning of the development. A number of management reports and site operational manuals have been approved and conditioned through the development assessment process. The conditions also include an offset in which 22.9ha of additional koala habitat is required to be established on site in response to vegetation being removed. The location of this offset on site has been selected to optimise koala movement through the site and connect to existing vegetation communities external to the site.

The proposed development includes disposing of waste in proximity to the groundwater table. Significant discussions with the State Government have resulted in an agreed approach to design the landfill liner system to include groundwater relief systems that will monitor the flow of ground in and around the liner system to ensure no cross contamination of either landfill cells or the groundwater. The permit issued from DES outlines conditions that ensure that this is delivered on site and continuously maintained.

The development will also require the existing voids be dewatered to create the residual waste landfill cells. Extensive modelling and testing have been conducted through the application material to provide a dewatering strategy for the voids that will permit the voids to be progressively dewatered with no environmental impact downstream of the development. This strategy has been assessed and approved by DES.

The site at present is in a degraded environmental state, with limited activity occurring on site. The proposed development seeks to support existing ecological processes on site, by ensuring impacts are ameliorated and managed appropriately. Establishing the proposed development will create the necessary economic opportunities on the site to make rehabilitation and enhanced ecological outcomes a possibility.

6. *Emissions and hazardous activities: Community health and safety, and the natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure and sport and recreation activities is ensured.*

The importance of appropriately located and designed industrial development is a key driver under the SPP to ensure that community health and safety is protected at all times. The development site is located within a Regional Industry and Business Investigation Area under the Ipswich Planning Scheme and the defined Waste Activity Area under the Council's TLPI. The development proposal, therefore, aligns with the general planning intent for the site, as identified by Council in the relevant planning documents.

Reviewing the site context from a first principles point of view, the site is located within a predominantly rural and industrial area, within a precinct that is historically degraded through open cut mining activities. An existing landfill operation is located on the adjoining landholding, with the active landfill operation 500m from the site boundary, similarly using a previous mining site to facilitate a landfill operation. The site is also bordered by the Willowbank Motorsports Precinct, which includes a racetrack and drag strip. In addition to this, Amberley Air Base is located 4.5km from the site. The existing collection of land uses within the area, coupled with Council's planning



intent of the site, indicate the area is appropriate to establish industrial land uses with management of potential nuisance impacts in terms of air quality or noise.

Wanless has engaged a number of technical consultants to assist in the design and construction of the proposed development to ensure that no nuisance impacts are experienced offsite. A number of recommendations have been made, assessed and approved by DES and Council regarding the operation of the development. This highlights that the proposed development is able to operate and align with the State Interest of protecting community health and safety.

## ShapingSEQ

ShapingSEQ advances state interests by *“providing a spatial context, defining key outcomes, and establishing planning strategies and directions to achieve these outcomes in response to SEQ’s unique values, drivers, expectations, projections and constraints.”* ShapingSEQ provides the basis for prioritising, qualifying or resolving the state interests in SEQ. The ShapingSEQ document sets out a variety of themes that for development. The key themes that are pertinent to this context are stepped out herein.

### 7. *Theme 2 – prosper: a globally competitive economic powerhouse (which focuses on jobs and employment opportunities)*

As mentioned previously, the proposal represents a \$200 million investment into a dilapidated site to create a world class recycling and resource recovery facility. Wanless is in the business of recycling and seeks to employ class leading technology within the development to ensure the resource recovery on site is maximised. Wanless is seeking to replicate their successful Sydney Recycling Park in South East Queensland, which utilises a number of the technological innovations to maximise recycling rates.

This site and proposed development represent an opportunity to create economic development on a challenging and derelict site and to establish a market leading recycling facility. Recycling is a growing and increasingly important industry in accordance with the Queensland Government’s strategic objectives and capital investment in the requisite infrastructure is essential to take the industry forward.

In addition to creating a economic opportunity for the recycling industry within the South East Queensland, the development will create job opportunities on a local scale with 300 construction jobs and 50 permanent operational jobs at the commencement of the operation.

### 8. *Theme 4 – sustain: promoting ecological and social sustainability*

The development site at present is a significantly degraded due to the previous mining activities on the site. The mining activities have impacted the ecological sustainability and social sustainability of the site, with limited opportunities for reuse and economic investment.

The project, if it were to proceed, would see the site rehabilitated through conditions requiring habitat creation and the offset of koala habitat trees removed to establish the operation (at a rate of three trees to every one removed). The rehabilitation of the site will only be possible via the economic activity generated through the proposed development.

As part of the assessment of the site and the proposed development, significant testing and assessment of the groundwater and water management of the site was undertaken. This assessment has determined the most appropriate mitigation measures to manage the interaction of the waste activity uses, particular the residual waste disposal within the mining voids. A dewatering strategy has been developed and approved to remove the water from the existing

mining voids in a manner that will not have a detrimental impact on the receiving environment. A groundwater relief system has been designed to ensure that there is no interaction between the groundwater around the voids and the landfill cells. All site operations are to be managed in accordance with the suite of management plans that have been approved by DES for the site, as well as the numerous operational plans that will be prepared in accordance with the conditions of approval.

## Queensland Waste Management and Resource Recovery Strategy

The State Government released the *Queensland Waste Management and Resource Recovery Strategy* in 2021, which provides a strategic framework to assist in transitioning Queensland to a circular economy and a zero-waste society supported by a heightened reliance on resource recovery. The strategy outlines targets to be achieved by 2050 for 90% of waste to be recovered (without going to landfill) and 75% of waste to be recycled across all waste targets. The strategy provides a staged approach to achieving the target rates.

The strategy is underpinned by three key strategic priorities, each with initiatives targeted at State Government, Local Government and Waste Industry Operators:

- **Reducing the impact of waste on the environment and communities**

- *The sector has an important role to play in protecting the environment by positioning recycling and resource recovery facilities in strategic locations that minimise impacts on communities, taking action to reduce waste disposal that effectively minimises impacts on communities, managing landfill sites and reducing the transport of waste and recycled materials. The sector must also continue to educate its members about appropriate management actions for particular wastes, to ensure proper treatment, recycling and disposal.*

The proposed development is located in a strategic location and is consistent with the local planning intent for the land and direction for the locality. The site provides the opportunity for waste to be recycled and residual waste to be disposed of on the same site. Furthermore, the operations are buffered from adjoining sensitive land uses, with the nearest residential uses being located 800m from the site boundary, 1200m from the recycling facility and 900m from the landfill void.

As a combined resource recovery facility and residual waste disposal operation, the project minimises the transport of waste and recycled materials within the wider community. Waste to the site is received, with 90% of waste undergoing recycling processes, with between 45-60% of the waste received on site recycled. Any material that is unable to be recycled on the site can be disposed of on site and, as such, does not create additional transport impacts on the surrounding community. The decision by Ipswich City Council directly conflicts with this intent, meaning that any material not being able to be recycled will have to be transported to another site and disposed of off-site. The outcome of this decision is additional transportation impacts and avoidable transportation of waste materials through the community.

Wanless seeks to establish a market leading waste management operation on the site that creates an exemplar recycling operation, similar to the Sydney Recycling Park, to lead the South East Queensland waste industry in a new direction towards a better waste future.

- **Transition to circular economy for waste**

- *The waste management and resource recovery sector as the key waste management provider is well placed to drive the growth and investment required to grow the sector. The industry has a commercial and ethical responsibility to inform and educate its business clients about how to*

*reduce waste and increase recycling and offer service options that provide them with real choice about the level of recycling they want to adopt. The willing participation of the waste management and resource recovery sector, in partnership with the Queensland Government, is vital to the Strategy's success.*

A key principle under the transition to a circular economy with regards to waste in Queensland is the establishment of recycling projects and investment in the recycling industry. Wanless is seeking to establish a \$200 million project within South East Queensland, targeting a 45-60% recycling rate on the site. As a standalone operation, the development will increase Queensland's recycling rate by 4.1%, which significantly contributes to the goal of achieving a State recycling rate of 90%. Through the proposed development, Wanless is delivering on the Strategy's directive on investing within the recycling industry in South East Queensland.

The Waste Infrastructure Report released by DES in 2019 highlights that the existing industry "capacity is designed to process clean source separate masonry materials" as such, there are "opportunities for new facilities to target mixed commercial and demolition streams". The proposed project is an opportunity to open up a new sector of capacity within the South East Queensland recycling market and increase the opportunities for recycling and contribute to the creation of a circular economy.

Wanless is dedicated to the recycling industry and have a long established history operating a variety of recycling businesses in Queensland and New South Wales. The success and delivery of this project is a great example of the waste industry sector, particularly the resource recovery sector, driving growth and investment in the sector and contributing to the delivering of the Queensland Waste Management and Resource Recovery Strategy .

- **Building economic opportunity**

- *The waste management and resource recovery sector should work to identify where the opportunities for economic growth are and be ready to invest accordingly.*

*Industry should work with local government to resolve planning issues for existing and new infrastructure.*

*Industry should also work with government to develop standards and specifications when using recycled material. A consistent approach will give consumers confidence in the quality and safety of these products and help drive market demand.*

Wanless, as a key operator within the waste management and resource recovery sector, has identified a site that is strategically located within a planned industrial and business growth area under the local framework that is a prime site for investment. The site has the elements needed to create a significant waste and resource recovery business on the site, creating the opportunity to establish a side by side recycling facility and residual waste disposal. Wanless is willing to create a significant investment in the site to drive the resource recovery sector within SEQ.

Wanless, throughout the assessment of the application, has negotiated and liaised with Ipswich City Council and the relevant departments of the State Government to work through all planning issues associated with the development. To note, approvals for both the recycling and landfilling components if the proposed development have been issued by the State Government including the Department of Environment and Science (for the environmental authority) and the Department of Transport and Main Roads. As previously mentioned, approval for part of the application has been issued by Ipswich City Council. Through both the State Government and Ipswich City Council approvals, there is an acknowledgement that the



proposed development and proposed land uses are appropriate for the site and that any potential impacts on the infrastructure and the environment can be ameliorated. industries.

### **Ipswich Resource Recovery Strategy**

In a local context, the Ipswich City Council have developed a Resource Recovery Strategy that is directed by *Queensland Waste Management and Resource Recovery Strategy*. The strategy sets out goals for the waste industry in Ipswich. A key goal for the strategy is to increase the materials recovery and actively promote a circular economy, as well as introducing a 'pillar' of the strategy to establish fit-for-purpose waste and resource recovery infrastructure. This strategy is intended to further the intent of the Waste Strategies released from the State Government. The Wanless Recycling Park promotes recycling and resource recovery and creates an integrated waste activity within Ipswich that increases the recycling rates and establishes a fit-for-purpose recycling centre, that aligns with the Council's Resource Recovery Strategy. The decision to part refuse the development application pushes away from Council's endorsement direction towards recycling.

### **QLD Waste Levy**

The Queensland Government introduced a Waste Levy 1 July 2019. The intent of the Waste Levy was to:

- Reduce the amount of waste going to landfill;
- Encourage waste avoidance;
- Provide a source of funding to enable better resource recovery practices; and
- Facilitate industry investment in resource recovery infrastructure.

The drivers behind the Waste Levy have created the economic conditions that have led to the inception of this project, to create an integrated waste facility that focuses on resource recovery at its core. The development delivers a project that drives the intent of the Levy forward.

### **Mining Rehabilitation**

The site has been effected by previous mining activities that are covered under the existing mining lease that remains on the site. Attached to the mining lease are a set of rehabilitation requirements to create a site that is able to support post mining uses. The predominant rehabilitation for the site is to return large portions of the site to grazing land, with the open cut voids retained as water storage. It is acknowledged that the Queensland State Government has appointed a Mine Rehabilitation Commissioner to oversee the rehabilitation of previous mining sites. The Commissioner is tasked with producing guidance on best practice rehabilitation, engaging with stakeholders, report on the performance of rehabilitation requirements and advise the minister on the progress. In his appointment media statement, James Purtill, noted that rehabilitation of mining sites has the potential to create job opportunities for regional communities and is important to create more jobs after the mine is no longer in use.

This project seeks to rehabilitate a previously mined site, in a fashion that has been demonstrated is environmentally sound and will create a number of jobs as part of the rehabilitation. The development project aligns directly with the Government's intentions for historic mining sites, generating jobs through the rehabilitation on the site. The development would be an on the ground example of best practice management of mining sites to economically viably rehabilitate the site, with limited burden on the surrounding community.



## Summary

As detailed above, the proposed development aligns with and furthers the State Interests as identified in the SPP, ShapingSEQ and importantly, the Queensland Waste Management and Resource Recovery Strategy. The development represents significant investment within the Ipswich region that leads to real and permanent job creation on the ground and a significant growth in the resource recovery sector within SEQ, furthering the intent of State waste industry objectives. The project is therefore submitted as an exemplary project and a key driver in advancing the State Government's waste management and resource recovery objectives.

Without the permitting the residual landfill operation on the site, the viability of the project becomes uncertain, and is unlikely to progress through to construction. Approval of the project in its entirety, including both the recycling and residual waste disposal components, is therefore necessary to ensure this project comes to fruition and assists in the achievement of the State Government recycling targets.

## WHY SHOULD THE MINISTER CALL IN THIS APPLICATION?

As outlined in this request, the viability of the project is currently as a result of Ipswich City Council's decision not to approve the landfilling component of the proposal. At this stage, it is likely that the project will not proceed. Whilst the applicant determines its next course of action, it has acted to preserve its appeal rights by lodging a Notice of Appeal with the Planning and Environment Court.

Due to the backlog in Planning and Environment Court hearings, there is no certainty around a final outcome in relation to this development application, which adds further costs and lengthy delays to the project after nearly two years in the planning assessment process. Without timely assessment of applications of this type, investment in recycling infrastructure and local recycling jobs simply can not be supported.

In summary, the proposed development wholly aligns with the State Interests identified in the State Planning Policy, ShapingSEQ and importantly delivers on the directives of the *Waste Management Resource Recovery Strategy*. Construction of this project clearly within the interests of the Queensland Government. The project creates significant economic opportunity leveraging the \$200 million investment into what is currently a derelict and underutilised site and creating upwards of 350 construction and operational jobs within an area that is identified as an area suitable for regional industry and business activity under the local planning instrument. The project balances the economic development on the site with the protection and enhancement of environmental and social sustainability of the site by protecting and enhancing environmental elements of the site, and the potential economic growth on the site from the catalyst investment.

The application in its current form, as approved by Ipswich City Council, is unable to proceed on the basis of economic viability of the project. It is necessary for the proposed development to proceed in its entirety, allowing for the disposal of residual waste on the same site. For the project to progress beyond the concept stage, certainty in the approval process and planning outcome is necessary. As such, it is considered that calling in the application is necessary to ensure that the development is able to proceed and to further the State Interests as detailed in this request.

Yours sincerely,



Access refused under s.47(3)



Access refused [info@urbis.com.au](mailto:info@urbis.com.au)

In the Planning and Environment Court  
Held at: Brisbane

No of 2021

Between: **WANLESS RECYCLING PARK PTY LTD**  
**ACN 623 407 081**

Appellant

And: **IPSWICH CITY COUNCIL**

Respondent

### NOTICE OF APPEAL

Filed on: 15 October 2021

Filed by: Holding Redlich  
Amelia Prokuda

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Ref: GNT AKP 19260120

**WANLESS RECYCLING PARK PTY LTD ACN 623 407 081** of c/- Holding Redlich, Level 1, 300 Queen Street, Brisbane, in the State of Queensland appeals to the Planning and Environment Court at Brisbane at its next sittings against the Respondent's decision made on 16 September 2021 to refuse part of a development application (Council reference 10674/2019/CA) for a Development Permit for Reconfiguring a Lot – 13 lots into 5 lots, Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial Industrial & Putrescible Waste), Waste Activity Use involving Rehabilitating a Mining Void, Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) including waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year, Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) including operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste; Waste Activity Use involving Crushing, milling or grinding (Special Industry) including

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#### NOTICE OF APPEAL

Filed on behalf of the Appellant

**Form PEC-1**

#### Holding Redlich

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Ref: AKP 19260120

screening, washing, crushing, grinding, milling, sizing or separating works producing 5,000 tonnes or more per year and Environmentally Relevant Activities (**ERA**) – ERA 54(2)(c), ERA 60(2)(h) and ERA 62(1)(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing general waste (**Development Application**) in respect of land located at 82A to 82F and 82H Lanes Road, Lot 312 Coopers Road, 166-198 Bergmans Road, 202-282 Bergmans Road, Lot 257 Unnamed Road and Lot 1 Coopers Road, Ebenezer and 266-304 and 350 Coopers Road, Willowbank and described as Lots 1 and 2 on SP 167885, Lots 230 to 231 and 240-243 on CH 3132, Lot 1 on RP 24569, Lot 254 on CH 31200, Lot 257 on CH 31247, Lot 312 on CH 31969, Lot 2 on RP 24570 and Lot 1 RL 8701 (**Land**). The Appellant seeks the following orders or judgment:

1. the appeal be allowed;
2. the Development Application be approved subject to conditions which satisfy the requirements of section 65 of the *Planning Act 2016* (Qld) (**Planning Act**); and
3. such further or other orders as the Court considers appropriate.

**The grounds of appeal are:**

1. The Land is owned by the Appellant and has an area of approximately 604.538 hectares.
2. Under the South East Queensland Regional Plan 2017 (ShapingSEQ), the Land is in the urban footprint.
3. The following matters in the State Planning Policy 2017 apply to the Land:
  - (a) Agricultural (Agricultural land classification – Class A and B);
  - (b) Bushfire prone area (Medium Potential Bushfire intensity and Potential Impact Buffer);
  - (c) Biodiversity (MSES – Wildlife habitat; MSES – Regulated Vegetation (Categories B, C and R); and
  - (d) Strategic Airports and Aviation Facilities (Lighting Area Buffer, Wildlife Hazard Buffer Zone and Height Restriction).



4. Under the Ipswich Planning Scheme, the Land is in the Regional Business and Industry Investigation Zone, Sub Area RBIA01 - Ebenezer Willowbank under the Ipswich Planning Scheme 2006 (**Planning Scheme**).
5. Under the Temporary Local Planning Instrument No. 2 of 2018 (Waste Activity Regulation) (**TLPI 2018**), the Land is in the Ebenezer/Willowbank/Jeebropilly Industrial Area. The land straddles the waste activity area and waste activity buffer area.
6. The Respondent is currently preparing the Draft New Ipswich Planning Scheme (**Draft Planning Scheme**). Under the Strategic Framework of the Draft Planning Scheme, the Land is in the Urban Area, the Ipswich Regional Economic Cluster and Medium Impact Industry area under the Employment Lands Strategy, and both the Waste Activity Area and Waste Activity Buffer Area.
7. The Land is currently improved by a series of industrial buildings and the operations for ERA uses for explosive manufacturing and a bentonite processing site. There are also three large mining voids of approximately 66 hectares in area.
8. On about 19 December 2019, the Appellant lodged a development application for a development permit for reconfiguring a lot and material change of use for Special Industry (Waste Activity Use – Landfill and Rehabilitating a Mining Void, Resource Recovery Facility) and ERA 54, 60 and 62 (**Proposed Development**).
9. On or about 15 January 2020, the Respondent issued a confirmation notice for the Development Application. The following entities were referral agencies for the Development Application:
  - (a) Department of State Development, Manufacturing, Infrastructure and Planning;
  - (b) Energex;
  - (c) Department of Natural Resources, Mines and Energy; and
  - (d) Department of Defence.
10. The Development Application was subject to impact assessment.

11. According to the Respondent's records, the Respondent received 60 properly made submissions during public notification.
12. On 17 September 2021, the Respondent issued a decision notice:
  - (a) approving the Development Application for a development permit for reconfiguring a lot and material change of use – special industry (waste transfer and resource recovery facility) and ERAs 54(2)(c), ERA 60(2)(h) and ERA 62(1)(b) subject to conditions; and
  - (b) refusing the Development Application for a development permit for material change of use – waste activity use involving landfill and waste activity use involving rehabilitating a mining void.
13. The grounds for refusal with respect to that part of the Development Application described in paragraph 12(b) above were set out in the Respondent's decision notice dated 17 September 2021. Annexure A to this Notice of Appeal is a copy of Attachment C to the Respondent's decision notice – 'Assessment Manager's Reasons for Refusal'.

#### **Nature of the Proposed Development**

14. In the town planning report in support of the Development Application prepared by Urbis dated 19 December 2019, the Proposed Development was described as incorporating "...the development of a Resource recovery facility and associated landfill activities in order to rehabilitate the existing historic mine voids on the site".
15. The Proposed Development is an integrated resource recovery facility which will accept waste that is currently directed to landfill only. The landfill component of the Development Application is ancillary to the waste transfer and resource recovery facility component.
16. The intention of the Proposed Development is to recycle products which currently have zero recycling. In the initial stages of the development, there will be an amount of material that is unable to be recovered and recycled. It will be necessary to direct this material to landfill.
17. Waste at the site is received, with 90% of waste undergoing recycling processes with between 45 to 60% of the waste received recycled.

18. Existing landfill facilities do not have the mechanical reprocessing facilities to sort mixed general waste from commercial waste.
19. The Proposed Development should be approved in its entirety for the following reasons:

***Resource recovery and sustainability***

- (a) the landfill and rehabilitation component promotes resource recovery (including the re-use and recycling of waste);
- (b) the landfill and rehabilitation Component is "sustainable" development;
- (c) the waste transfer and resource recovery facility component is of a scale that will make a meaningful contribution to resource recovery and which justifies the landfill component and will operate beyond the completion of the landfill component; and
- (d) the landfill component does not cause unacceptable environmental risks;

***Economic and community need***

- (e) there is a town planning, community and economic need for the Proposed Development;
- (f) the Proposed Development will benefit the Ipswich community; and
- (g) the Proposed Development satisfies the test for need in the Draft Planning Scheme;

***Rehabilitation and future use***

- (h) the Proposed Development will provide appropriate rehabilitation and make provision for an appropriate future use; and
- (i) the Proposed Development achieves a rehabilitation outcome superior to that envisaged by Environmental Authority EPML00594013;

***Environmental impacts***

- (j) the Proposed Development is acceptable having regard to matters of landfill design and management and would result in acceptable environmental impacts;

### ***Tailings Dam***

- (k) despite the following requirements:
  - (i) in the State Assessment Referral Agency (**SARA**) referral agency response dated 2 July 2021, that the 'Tailings waste within the Tailings Dam must not be dewatered or removed' (indicated by a notation on the Plan of Development by Taft Engineering, Drawing no. F-001 as amended in red by SARA on 2 July 2021); and
  - (ii) in the Environmental Authority EA0002905 dated 28 June 2021, that at all times the water level within the Tailings Dam must be maintained at a level at least 4 metres above the level of any tailings waste (condition WT11),
- (l) the tailings dam can be utilised for landfill purposes;

### ***Amenity***

- (m) the Proposed Development would result in acceptable amenity and visual amenity impacts.
20. In the exercise of the Court's discretion, the following other relevant matters warrant approval of the Proposed Development:

### ***Resource recovery and sustainability***

- (a) the Appellant has significant experience in operating high recovery resource facilities;
- (b) the Proposed Development includes substantial resource recovery processes. The Proposed Development supports growth in resource recovery and sustainable operation practices by including resource recovery as a specific aspect of the proposed special industry activity to ensure the operation can respond to greater demands for the recycling of waste, and the use of waste as an energy resource, in the future;
- (c) The Proposed Development provides for a landfill with an operating life of 17 years, being of a length that is:



- (i) likely to be outlived by the period of effect of the Draft Planning Scheme, which anticipates landfill uses in the Ebenezer/Willowbank Waste Activity Area; and
- (ii) appropriate having regard to the ongoing need for landfill facilities and current waste reduction policies.

***Town Planning and rehabilitation***

- (d) The Proposed Development is well-located having regard to:
  - (i) the Proposed Development is anticipated by and consistent with the intent of the Planning Scheme;
  - (ii) land use planning for the site and surrounding Ebenezer/Willowbank/Jeebropilly area;
  - (iii) the constrained nature of the Land as a result of former mining activities and its hydrological context means it is not suitable for other uses envisaged for the Land by the Ipswich Planning Scheme 2006 or the Draft Planning Scheme;
  - (iv) the clustering of similar uses in the locality;
  - (v) its proximity to:
    - (A) waste sources;
    - (B) appropriate road infrastructure;
    - (C) a planned terminal for the inland rail project;
  - (vi) community expectations, based on the Ipswich Planning Scheme 2006 and the Draft Planning Scheme; and
  - (vii) the Proposed Development, being a difficult to locate activity, representing an efficient and suitable use of scarce industrial land.
- (e) The design life of the resource recovery aspect of the Proposed Development will continue during the period required to fill the voids to the final land form and as a permanent industrial use into the future.
- (f) The Proposed Development will achieve positive rehabilitation outcomes for the Land after the use has ceased by:

- (i) rehabilitating the Land as close as possible to pre-mining conditions and landform;
  - (ii) filling the mining voids; and
  - (iii) retaining all extensive, treed green space areas and retention of remnant vegetation where possible.
- (g) Absent an approval for a landfill use such as the Proposed Development, rehabilitation of the site would not be viable and would not occur through private development.
- (h) Were the land not to be developed for the Proposed Development it will:
  - (i) remain visually unattractive;
  - (ii) result in poor hydraulic outcomes for the Land and surrounding catchment because of the impacts of the voids;
  - (iii) result in poor ecological outcomes for the Land and surrounding catchment;
  - (iv) remain undeveloped, or otherwise not developed to its highest and best use;
  - (v) not be developed in a way which achieves the most beneficial rehabilitation outcomes for the Land and surrounding catchment; and
  - (vi) not be developed in a way which achieves the land use planning outcomes for the Land.

### ***Amenity***

- (i) The current state of the Land is such that:
  - (i) the natural topography of the site and surrounding area has been significantly disturbed by open cut mining activities;
  - (ii) it has been stripped of its original character and visual amenity by previous land uses;
  - (iii) it is currently already exposed to sensitive visual receptors; and

- (iv) the Proposed Development presents an opportunity to significantly improve long-term amenity outcomes for surrounding sensitive uses, and the wider community generally.
- (j) The Proposed Development will not result in any unacceptable amenity impacts to sensitive receptors during the operation of the use.
- (k) The Proposed Development will restore the Land to its natural form and character following the cessation of the use.

***Environmental impacts and landfill design***

- (l) There are no unacceptable environmental impacts caused by the Proposed Development, particularly in light of the positive conservation outcomes the final rehabilitation outcomes will achieve, including:
  - (i) greater conservation outcomes for the locality generally; and
  - (ii) restored natural drainage channels.

***Need***

- (m) The Proposed Development will provide employment and economic growth in the Ebenezer/Willowbank area. In particular, the proposed development will create approximately 300 jobs during the construction phase and approximately an additional 50 ongoing permanent jobs during operation.
- (n) There is a need for the Proposed Development in this location.
- (o) Approval of the Proposed Development would support increased convenience and competition for users of waste recovery and landfill facilities in the local area and South East Queensland.
- (p) The Proposed Development is consistent with the Queensland Waste Management and Resource Recovery Strategy and Respondent's Resource Recovery Strategy to increase recycling rates and promote a cyclical economy as a driver for increasing recycling and reducing reliance on landfill operations.

**Other**

- (q) An Environmental Authority has been issued which authorises the undertaking of the Proposed Development.
  - (r) The Proposed Development is conveniently located for the efficient disposal of waste.
  - (s) The Land has capacity for continued expansion of recovery facilities as technology improves over time.
  - (t) There is a growing need for modern resource recovery facilities such as the proposed development.
  - (u) The proposed development will facilitate the rehabilitation of several large mining voids on the Land beyond that which is required under the existing environmental authority EPML00594013.
21. With respect to the conditions of the approval described in paragraph 12(a) above, the Appellant appeals against conditions 25(a), 27(b) and 28(a)(i) **(Conditions)**.
22. The relevant extracts of the Conditions are below.

25.	Roadworks – External	
(a)	<p>The traffic report prepared by TTM dated 22 April 2020 is not approved. An amended traffic report prepared by RPEQ experienced in Traffic Engineering must be provided for the assessment manager's approval. The amended traffic report must have regard to the Special Industry (Waste Transfer and Resource Recovery Facility) Use as a standalone facility (i.e. remove all aspects associated with the proposed landfill) and must address the following:</p> <p>(i) Undertake an assessment of the existing road conditions for Champions Way and the Unnamed Road along the northern boundary of the Queensland Raceway site (Lot 11</p>	<p>Prior to the lodgement of the first application for operational works.</p>



	<p>SP108209), from the Cunningham Highway to the northern driveway access to the Queensland Raceway site (Sections 1 to 4 of plan titled '<b>Roadworks - Champions Way, drawing no. RW-1, prepared by ICC and dated 14 July 2021</b>' – refer plan included at Part 3 '<b>Approved Plans, Specifications and Drawings</b>'). This assessment must consider the standard of current construction and identify works required to achieve the standards set out in the Ipswich Planning Scheme for an Industrial Collector Road and Council's Standard Drawing (SR.03). The assessment must include pavement testing to determine the depth and strength of existing pavement and determine the works (including pavement design) required to achieve the Industrial Collector ESA's design requirements. The pavement design must achieve a 20-year design life, post opening of the proposed development.</p> <p>(ii) Provide information on the proposed layout/treatment of the intersection of Champions Way/Unnamed road along the northern boundary of the Queensland Raceway site (Section 3 of plan titled '<b>Roadworks - Champions Way, drawing no. RW-1, prepared by ICC and dated 14 July 2021</b>' – refer plan included at Part 3 '<b>Approved Plans, Specifications and Drawings</b>'). It is noted that Development Approval 1201/2014/CA over property at Lot 25 RP217490 (3 Cocks Road, Ebenezer), relies on Champions Way and this intersection for access. The applicant must prepare concept plans and an intersection</p>	
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	<p>assessment for the proposed intersection to demonstrate that it has sufficient capacity and will operate in a safe and efficient manner with both the traffic associated with Development Approval 1201/2014/CA and the traffic generated by the subject development. The intersection layout must not include any land under private ownership other than the applicant.</p> <p>(iii) The intersection of Champions Way/Unnamed road along the northern boundary of the Queensland Raceway site (Section 3 of plan titled '<b>Roadworks - Champions Way, drawing no. RW-1, prepared by ICC and dated 14 July 2021' – refer plan included at Part 3 'Approved Plans, Specifications and Drawings'</b>) design must consider the following:</p> <ol style="list-style-type: none"> <li>1) Priority for through traffic along Champions Way with a 'T' intersection off existing access road to the Queensland Raceway site (Lot 11 SP108209);</li> <li>2) Provide a Basic Left Turn and Basic Right Turn treatment (BAR/BAL); and</li> <li>3) Where widening occurs, a Collector Road pavement profile designed to an ESA of 2 X10<sup>5</sup> and 40mm bound AC surface must be provided.</li> </ol> <p>(iv) Provide information including concept plans to demonstrate any works required at the existing Queensland Raceway site (Lot 11 SP108209) access driveways, to ensure that these accesses operate in a safe and efficient</p>	
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	<p>manner with the traffic generated by the proposed development. Any upgrade works required must not include any land under private ownership other than the applicant.</p> <p>(v) Provide information on the proposed road ownership, mechanism of operation and road maintenance responsibilities for the Unnamed Road proposed to be constructed along the northern boundary of the Queensland Raceway site (Lot 11 SP108209) from the Queensland Raceway northern driveway access to the development boundary (Section 5 of plan titled <b><i>'Roadworks - Champions Way, drawing no. RW-1, prepared by ICC and dated 14 July 2021' – refer plan included at Part 3 'Approved Plans, Specifications and Drawings'</i></b>). The applicant must ensure the Unnamed Road is in private ownership with limited access via temporary or permanent road closure. The plans must clearly identify private roads and public roads.</p> <p>(vi) A turnaround facility must be provided at the end of the public road to accommodate vehicles to perform a U-turn up to and including B-double trucks.</p> <p>(vii) Provide information in accordance with Condition 13(a) Traffic Management (relating to Ipswich Motorsports Precinct)' of this approval.</p> <p>(viii) Necessary cross drainage works must be considered to convey stormwater flows without impacting on both upstream and downstream properties. The design must</p>	
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	consider recommendation of SBSMP and Flood report as required by Condition 27 'Stormwater Quantity Management' and Condition 28 'Flooding' below of this approval.	
<b>27.</b>	<b>Stormwater Quantity Management</b>	
(b)	<p>The submitted flood and Stormwater Management Plan prepared by Peak Urban dated 24 June 2020 is not approved. The applicant must submit an amended Site-Based Stormwater Quantity Management Plan (SBSMP) addressing the following:</p> <ul style="list-style-type: none"> <li>(i) Impacts from/on the Special Industry (Waste Transfer and Resource Recovery Facility) Use as a standalone facility (ie. remove all aspects associated with the proposed landfill).</li> <li>(ii) The SBSMP must be prepared and certified by a suitably qualified RPEQ, with detailed hydraulic calculations for all storm events up to and including the 1% AEP event, in accordance with QUDM and Council's Implementation Guideline 24 - Stormwater Management.</li> <li>(iii) The catchment details and hydrology used to inform the SBSMP.</li> <li>(iv) Increase in stormwater runoff that will be generated by the development.</li> <li>(v) Pre and post-development, sub-catchment discharge plans.</li> <li>(vi) Nomination of a lawful point(s) of discharge associated with the required allotment</li> </ul>	Prior to or in conjunction with lodgement of the first application for operational works.



	<p>drainage system for the proposed development.</p> <p>(vii) Treatments required at the points of discharge associated with proposed drainage system, with due consideration to soil type and existing stability.</p> <p>(viii) Methods of capture and conveyance of existing upstream catchments considering no worsening on adjoining properties and downstream.</p> <p>(ix) Management strategies to ensure no-worsening at the nominated lawful point of discharge.</p> <p>The amended report and the detailed design must be submitted for Council approval.</p>	
<b>28.</b>	<b>Flooding</b>	
(a)	<p>The submitted Flood and Stormwater Management Plan prepared by Peak Urban dated 24 June 2020 is not approved. The applicant must submit an amended flood report addressing the following:</p> <p>(i) Impacts from/on the Special Industry (Waste Transfer and Resource Recovery Facility) Use as a standalone facility (ie. remove all aspects associated with the proposed landfill).</p>	<p>Prior to the lodgement of the first application for operational works.</p>

23. The Conditions set out above should be amended as they do not comply with section 65 of the *Planning Act 2016* (Qld) (**Planning Act**). The conditions assume the refusal of the landfill component of the Development Application, which should be approved.

24. Having regard to the grounds above, the appeal should be allowed and the Development Application in its entirety should be approved subject to conditions that satisfy section 65 of the Planning Act.

*Holding Redlich*  
.....  
**Holding Redlich**  
Solicitors for the Appellant

**If you are named as a respondent in this notice of appeal and wish to be heard in this appeal you must:**

- (a) **within 10 business days after being served with a copy of this Notice of Appeal, file an Entry of Appearance in the Registry where this notice of appeal was filed or where the court file is kept; and**
- (b) **serve a copy of the Entry of Appearance on each other party.**

**The Entry of Appearance should be in Form PEC – 5 for the Planning and Environment Court.**

**If you are entitled to elect to be a party to this appeal and you wish to be heard in this appeal you must:**

- (a) **within 10 business days of receipt of this Notice of Appeal, file a Notice of Election in the Registry where this Notice of Appeal was filed or where the court file is kept; and**
- (b) **serve a copy of the Notice of Election on each other party.**

**The Notice of Election should be in Form PEC – 6 for the Planning and Environment Court.**

## ANNEXURE A (Respondent's reasons for refusal)

### *Attachment C*

#### *Assessment Manager's Reasons for Refusal*

*File No: 10674/2019/CA*

*Location: 266-304 Coopers Road, WILLOWBANK QLD 4306, 82A Lanes Road, EBENEZER QLD 4340, 82B Lanes Road, EBENEZER QLD 4340, 82C Lanes Road, EBENEZER QLD 4340, 82D Lanes Road, EBENEZER QLD 4340, 82E Lanes Road, EBENEZER QLD 4340, 82F Lanes Road, EBENEZER QLD 4340, 350 Coopers Road, WILLOWBANK QLD 4306, 166-198 Bergmans Road, EBENEZER QLD 4340, 202-282 Bergmans Road, EBENEZER QLD 4340, Lot 257 Unnamed Road, EBENEZER QLD 4340, Lot 312 Coopers Road, EBENEZER QLD 4340, 82H Lanes Road, EBENEZER QLD 4340, Lot 1 Coopers Road, EBENEZER QLD 4340*

#### *Proposal:*

**Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial & Industrial & Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area;**

**and**

**Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area;**

#### **Assessment Manager (Ipswich City Council) Reasons for Refusal**

Based on the matters set out in A - B below, a decision to approve the Waste Activity Use involving the Landfill and Rehabilitating a Mining Void components of the development application, cannot be supported under sections 60 of the *Planning Act 2016*, as there is non-compliance with the relevant assessment benchmarks which cannot be overcome through the imposition of development conditions.

**A. The landfill component of the subject development application should be refused for the following reasons:**

**1) Resource recovery and sustainability:**

a) With respect to resource recovery and sustainability:

(i) the landfill component does not promote resource recovery (including the re-use and recycling of waste) having regard to:

(A) its failure to pursue 'zero net waste' and facilitate the achievement of other waste reduction targets; and

(B) its failure to discourage landfill, being the least sustainable and the least preferable type of waste management;

(ii) the landfill component is not sustainable development having regard to:

- (A) its adverse impacts on the natural environment for this and following generations;
  - (B) its requirement for ongoing monitoring and active management in perpetuity, or at least until the waste mass becomes biologically and physically stable;
  - (C) its increasing risk to the natural environment as time goes on; and
  - (D) the difficulty of managing events and risks below the landfill surface;
- (iii) the waste processing component:
- (A) does not justify the landfill component.
- b) Having regard to the above matters, the proposed development is contrary to the planning principle that resource recovery should be promoted (with landfill used as a last resort) and contrary to the following matters prescribed by regulation and other relevant matters pursuant to s.45(5) of the *Planning Act 2016* (Qld) (Planning Act):

Matters prescribed by regulation (s.45(5)(a)(ii) of the Planning Act)

- (i) the *South East Queensland Regional Plan 2017* (regional plan): Theme 4 – Sustain, as it refers to achieving ‘zero net waste’;

Other relevant matters (s.45(5)(b) of the Planning Act)

- (ii) the Planning Act, Purpose: ss.5(2)(a)(i), (iii), 5(2)(c) and (j);
- (iii) the Draft Ipswich Planning Scheme 2019 – Statement of Proposals: (draft planning scheme): ss.3.2.1(23), 3.5.4.2(6)(j)(iii), 3.5.4.4(1)(a), (b), (c), (d), Figure 3 – Waste Management Hierarchy and s.3.7.8.4(8);
- (iv) other relevant State government policies and documents including:
  - (A) the Queensland Resource Recovery Industries 10 Year Roadmap and Action Plan: Strategy 2 – Market and supply chain development;
  - (B) the State Infrastructure Plan: Part B: Resource recovery (page 40), as it refers to ‘maximising the recovery of construction materials used in building and infrastructure projects is pivotal to conserving resources’;
  - (C) the Waste Management and Resource Recovery Strategy:
    - (i) Moving towards a circular economy for waste (page 8);
    - (ii) Figure 1 – Waste and resource management hierarchy (page 8);
    - (iii) Strategy targets (page 10);
    - (iv) Reduced waste to landfill (page 10);
    - (v) Increasing recycling rates (page 10);
    - (vi) Strategic priority 1 (page 14);



(vii) Strategic priority 2 (page 15); and

(viii) Strategic priority 3 (page 15) – Building economic opportunity.

(D) the Queensland Energy from Waste Policy.

- c) The landfill component involves unacceptable environmental risks, now and in the future, particularly having regard to:
- (i) the likely operational life of the proposed development;
  - (ii) the matters stated in paragraph (ii) above;
  - (iii) the likelihood of the diminishing rate of demand for landfill in South-east Queensland; and
  - (iv) the environmental unacceptability of the consequences of commencing but not completing the landfill component of the proposed development.

**2) No economic, community or town planning need for the landfill component:**

- a) There is no economic, community or town planning need for the landfill component, particularly in circumstances where:
- (i) there is an adequate supply of landfill airspace in Ipswich and in South-east Queensland;
  - (ii) there is no certainty the landfill will be developed and completed within the time proposed, or at all;
  - (iii) approval will act as a disincentive for resource recovery;
  - (iv) it will not meaningfully contribute to:
    - (A) building economic opportunities through the circular waste economy;
    - (B) the diversity of industry in Ipswich or in South-east Queensland;
    - (C) employment in the locality; and
    - (D) economic resilience.
- b) The Ipswich community will not benefit from approval of the proposed development in any material respect, and the adverse risks and consequences of approval of the proposed development outweigh any benefits of approval.
- c) The proposed development does not satisfy the test for need that is in the draft planning scheme: ss.3.2.1(23), 3.5.4.2(6)(j)(iii), 3.5.4.4(1)(a), (b), (c), (d), 3.5.4.4(5)(a)(i), having regard to s.45(5)(b) of the Planning Act.

**3) Future rehabilitation and use of the land:**

- a) Approval of the proposed development would be contrary to the planning intention that the land be rehabilitated for future land uses to be accommodated.

- b) The existing mining rehabilitation obligations for the site under Environmental Authority EPML00594013 (and in particular Schedule F Land) already requires rehabilitation of parts of the site significantly disturbed by mining activities. The proposed development fails to achieve this required rehabilitation outcome.
- c) Having regard to the above matters, the proposed development is contrary to the planning principle that development should not compromise the future capacity for land to be re-used in a way that is compatible with the surrounding area or the uses promoted in planning documents and is contrary to the following assessment benchmarks, matters prescribed by regulation and other relevant matters pursuant to s.45(5) of the Planning Act:

Assessment benchmarks (s.45(5)(a)(i) of the Planning Act)

- (i) the planning scheme: ss.6.6(2)(a), (b), (c), (d), (e), (g), (p), (u), 6.14(2)(a), (b), (c), (d), (e), (f)(i), (f)(iii), (h), (j), (r), 6.15(15)(a), (b), (d), (e), (g), (h), (i), 6.16(1)(c)(ii)(K), (ii)(K) 6.17(1), (2)(t),
- (ii) the regional plan: Chapter 3, Goal 2: Prosper, Element 2 and Strategies 1 and 2, Element 5 and Strategies 1, 2 and 4, Chapter 3, Western Sub-region, Outcomes for Prosper 6(d);
- (iii) the *Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation)* (TLPI): ss.3.1, 3.2.1(ii), Ebenezer/ Willowbank/ Jeebropilly Waste Activity Code (the Waste Activity Code) Overall Outcomes 3(2)(a), 3(2)(b)(v) and Specific Outcomes 4(2), 4(4)(a), (b), (c), 4(5)(a)

Matters prescribed by regulation (s.45(5)(a)(ii) of the Planning Act)

- (iv) the regional plan: Theme 2 – Prosper, Theme 4 – Sustain;

Other relevant matters (s.45(5)(b) of the Planning Act)

- (v) the draft planning scheme: ss.3.2.1(14), (16), 3.3.2.1(1), 3.5.4.2(5)(b)(i), 3.5.4.2(6)(d), (f), 3.5.4.3(1)(a)(vi), 3.5.4.3(1)(d) and Map SFM2, 3.5.4.3(2)(a), (b), (c), (d), (g), 3.5.4.4(3)(g), 3.5.4.4(5)(a)(ii), (iii)(B), 3.7.8.4(1), (2), (5), (7)(c)(i), (7)(c)(ii) and Map LFM27, 3.7.8.4(8)(a), (b)
- (vi) Environmental Authority EPML00594013; and
- (vii) Queensland Department of Environment and Science document *Guideline - Landfill siting, design, operation and rehabilitation* (ESR/2015/1627, Version 4.01, effective 23 November 2018)
- (viii) Waste & Circular Economy Transformation Directive endorsed by Council on 3 Dec 2020.

#### 4) Unacceptable environmental impacts or risks:

- a) The landfill component of the proposed development is unacceptable having regard to matters of landfill design and management and presents unacceptable environmental impacts or risks, in particular:
  - (i) there are significant risks of total and differential settlement within and immediately adjoining the landfill footprint;
  - (ii) it has not been demonstrated that the proposed liner is fail-safe;
  - (iii) the proposed dewatering of the existing void water is unacceptable, particularly having regard to the potential for pollutants to be released;
  - (iv) the proposed development will result in a worsening of stormwater impacts off-site;
  - (v) the proposed development involves placing contaminated material below the groundwater level which is unacceptable particularly when it has not been demonstrated that the proposed landfill liner is fail safe;
  - (vi) the lack of detail in relation to the capping system is unacceptable having regard to both surface water and groundwater issues;
  - (vii) having regard to the proposed landform, and previous mining of the site, the proposed rehabilitation strategy and the presence of groundwaters, it has not been adequately demonstrated that the landfill component will protect and enhance environmental values in the receiving environment;
  - (viii) it has not been adequately demonstrated that interactions between surface waters, groundwaters and leachate (or the management methods proposed) are manageable to an acceptable degree;
  - (ix) the proposed sediment, stormwater and leachate management design is inadequate where both short and long term adverse environmental impacts in relation to water quality may result;
  - (x) the rehabilitation outcomes required by Environmental Authority EPML00594013 result in an appropriate, publicly expected and timely environmental outcome compared to using it for landfill; and
  - (xi) the proposed development involves legacy risks to the receiving environment which will require:
    - (A) active management well beyond the completion of landfilling, in perpetuity or until the waste mass becomes biologically and physically stable in relation to which there is no certainty; and
    - (B) ongoing active management such as monitoring, maintenance and repair;
- b) Having regard to the above matters, the proposed development is contrary to the planning principle that development should not cause (or have the potential to cause) contamination or other adverse environmental impacts and therefore approval would not

satisfy the following assessment benchmarks, matters prescribed by regulation and other relevant matters pursuant to s.45(5) of the Planning Act:

Assessment benchmarks (s.45(5)(a)(i) of the Planning Act)

- (i) the planning scheme: ss.3.1(3)(b), (i), 3.2(1)(b), (i), 6.7(2)(a), (b)(ii), 6.6.2(c), 6.15(15)(c), (i), 6.16(1)(c)(i)(K), (iii)(K), 12.7.3(2)(a)(xii), (xiii), 12.7.3(2)(b) and 12.7.4(5)(c)(iii);
- (ii) the TLPI: Waste Activity Code Overall Outcomes 3(2)(a), (b)(iii) and Specific Outcomes 4(5)(a), 4(6), (c) and (d);

Matters prescribed by regulation (s.45(5)(a)(ii) of the Planning Act)

- (iii) State Planning Policy: State Interest – Water Quality Policy (1), (3)(a), 3(b), 3(d), (4), (5); State Interest – Emissions and Hazardous Activities Policy (4)(a);

Other relevant matters (s.45(5)(b) of the Planning Act)

- (iv) the Planning Act, Purpose: ss.5(2)(a)(i), (ii), (iii) and (j);
- (v) the draft planning scheme: ss.3.4.3.1(4)(c), 3.5.4.3(2)(b), 3.5.4.4(3)(c), (d), (g), 3.5.4.4(5)(a)(iii)(C), 3.7.8.4(8)(c)(iii) and (iv);
- (vi) Environmental Authority EPML00594013;
- (vii) the Queensland Department of Environment and Science document *Guideline - Landfill siting, design, operation and rehabilitation* (ESR/2015/1627, Version 4.01, effective 23 November 2018).

**5) Unacceptable amenity impacts:**

- a) Approval of the proposed development will have unacceptable amenity impacts including:
  - (i) unacceptable visual amenity impacts;
  - (ii) unacceptable impacts on the general amenity of the area; and
  - (iii) unacceptable impacts on the community's perception and sense of place.
- b) The nature and scale of the proposed development will involve filling beyond the mining void on the subject land that:
  - (i) is beyond the current and planned character of the area; and
  - (ii) will be visible and obvious not only during the operational phase, but also following completion of the landfill component, when such impacts will likely be exacerbated by the capping treatment, especially if trees are not able to be used to revegetate the rubbish mound.
- c) The landfill component is not of a type or scale appropriate for the prevailing nature of the area and the particular circumstances of the site and its surrounds.



- d) The proposed development will have an unacceptable amenity impact on the general well-being, sense of place and community perception of the locality and of the local government area.
- e) Having regard to the above matters, the proposal is contrary to the planning principle that development should not have adverse amenity impacts, or should appropriately mitigate its impacts (including visual impacts), at all times and it does not comply with the following assessment benchmarks, matters prescribed by regulation and other relevant matters pursuant to s.45(5) of the Planning Act:

Assessment benchmarks (s.45(5)(a)(i) of the Planning Act)

- (i) the planning scheme: ss.3.1(3)(j), 3.2(1)(j), 6.6(2)(c), (d), (h), (i), 6.14(2)(a), (c), (d), (f)(ii), (h), (i), (j), (k), 6.15(2)(c)(ii), (iv), 6.15(15)(i)(i), (iv), 6.16(1)(c)(i)(K), (iii)(K), 12.7.3(2)(a)(v), 12.7.4(1), 12.7.7(2)(b)(ii), (iv);
- (ii) the TLPI: the Waste Activity Code Overall Outcomes 3(2)(a), 3(2)(b)(i), (ii), (iv), (v) and Specific Outcomes 4(4)(a), (b), (c), 4(5)(a), (b), and 4(7)(a);

Matters prescribed by regulation (s.45(5)(a)(ii) of the Planning Act)

- (iii) State Planning Policy: State interest – Liveable Communities Policy (1)(e) and (3)(a);
- (iv) the regional plan: Theme 4 – Sustain and Theme 5 – Live;

Other relevant matters (s.45(5)(b) of the Planning Act)

- (v) the Planning Act, Purpose: s.5(2)(i);
- (vi) The draft planning scheme – Statement of Proposals: ss.3.3.4(4), (5)(d), (5)(f), 3.5.4.4(3)(e), 3.5.4.4(5)(a)(iii)(B), 3.5.4.4(5)(e), 3.7.8.4 (9)(a), (10)(a), (10)(b), (12)(a); and
- (vii) Environmental Authority EPML00594013.
- (viii) Waste & Circular Economy Transformation Directive endorsed by Council on 3 Dec 2020.

## 6) Queensland Government State Assessment Referral Agency (SARA) Response

- a) The State Assessment Referral Agency (SARA) referral agency response dated 2 July 2021 included a notation on the proposal plans stating ‘Tailings waste within the Tailing Dam must not be dewatered or removed’ thereby making it impossible to utilise the Tailings Dam for landfill purposes.
- b) The Department of Environment and Science (DES) issued an Environmental Authority EA0002905 on 28 June 2021, which requires that ‘at all times, the water level within the Tailings Dam must be maintained at a level at least 4 metres above the level of any tailings waste’. This condition also makes it impossible to utilise the Tailings Dam for landfill purposes.

- c) The proposed development, and in particular the landfill component involving the Tailings Dam, should be refused having regard to the SARA response dated 2 July 2021 and the DES issued Environmental Authority dated 28 June 2021.

**B. The waste activity use involving rehabilitating a mining void should be refused for the following reasons:**

**1) Future rehabilitation and use of the land:**

- a) Partially backfilling the mining voids as proposed would be contrary to the planning intention that the land be rehabilitated for future land uses to be accommodated.
- b) The existing mining rehabilitation obligations for the site under Environmental Authority EPML00594013 (and in particular Schedule F Land) already requires rehabilitation of parts of the site significantly disturbed by mining activities. The proposal to partially backfill the mining voids fails to achieve this required rehabilitation outcome.
- c) It has not been demonstrated that the landfill component of the proposed development aligns with the Waste & Circular Economy Transformation Directive endorsed by Council on 3 Dec 2020. In particular the proposal does not align with the following Policy Directive:
  - (i) "Strategic and Sequential Remediation": Council will seek to ensure the orderly sequencing and proper remediation of mining voids and end-of-life sites across the Ipswich local government area, and seek for a range of alternate remediation options to be considered. Strategic sequencing will be based on infrastructure, topographical, environmental and social opportunities and constraints.
- d) Having regard to the above matters, the proposal to partially backfill the mining voids is contrary to the planning principle that development should not compromise the future capacity for land to be re-used in a way that is compatible with the surrounding area or the uses promoted in planning documents and is contrary to the following assessment benchmarks, matters prescribed by regulation and other relevant matters pursuant to s.45(5) of the Planning Act:

Assessment benchmarks (s.45(3)(a) of the Planning Act)

- (i) the planning scheme: ss.6.6(2)(a), (b), (c), (d), (e), (g), (p), (u), 6.14(2)(a), (b), (c), (d), (e), (f)(i), (f)(iii), (h), (j), (r), 6.15(15)(a), (b), (d), (e), (g), (h), (i), 6.16(1)(c)(ii)(K), (ii)(K) 6.17(1), (2)(t),
- (ii) the regional plan: Chapter 3, Goal 2: Prosper, Element 2 and Strategies 1 and 2, Element 5 and Strategies 1, 2 and 4, Chapter 3, Western Sub-region, Outcomes for Prosper 6(d);
- (iii) the *Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation)* (TLPI): ss.3.1, 3.2.1(ii), Ebenezer/ Willowbank/ Jeebropilly Waste Activity Code (the Waste Activity Code) Overall Outcomes 3(2)(a), 3(2)(b)(v) and Specific Outcomes 4(2), 4(4)(a), (b), (c), 4(5)(a)

Matters prescribed by regulation (s.45(3)(b) of the Planning Act)

(iv) the regional plan: Theme 2 – Prosper, Theme 4 – Sustain;

**2) Unacceptable environmental impacts or risks:**

- a) The proposal to partially backfill the mining voids presents unacceptable environmental impacts or risks, in particular:
- b) the rehabilitation outcomes required by Environmental Authority EPML00594013 result in an appropriate, publicly expected and timely environmental outcome compared to partially backfilling the mining voids as proposed;
- c) Having regard to the above, the proposed development is contrary to the planning principle that development should not cause (or have the potential to cause) contamination or other adverse environmental impacts and therefore approval would not satisfy the following assessment benchmarks and matters prescribed by regulation pursuant to s.45(3) of *Planning Act 2016*:

Assessment benchmarks (s.45(3)(a) of *Planning Act 2016*)

- (i) the planning scheme: ss.3.1(3)(b), (i), 3.2(1)(b), (i), 6.7(2)(a), (b)(ii), 6.15(15)(c), (i), 6.16(1)(c)(i)(K), (iii)(K), 12.7.3(2)(a)(xii), (xiii), 12.7.3(2)(b) and 12.7.4(5)(c)(iii);
- (ii) the TLPI: Waste Activity Code Overall Outcomes 3(2)(a), (b)(iii) and Specific Outcomes 4(5)(a), 4(6), (c) and (d);

Matters prescribed by regulation (s.45(3)(b) of *Planning Act 2016*)

- (iii) State Planning Policy: State Interest – Water Quality Policy (1), (3)(a), 3(b), 3(d), (4), (5); State Interest – Emissions and Hazardous Activities Policy (4)(a);

## Human Rights Impact Assessment

### Request to exercise Ministerial call in powers for the proposed Wanless Recycling Park at Ebenezer

#### Introduction

The *Human Rights Act 2019* protects 23 human rights. The principal aim of the Human Rights Act is to ensure that respect for human rights is embedded in the culture of our public sector. The Human Rights Act requires public entities to:

- act and make decisions in a way that is compatible with human rights; and
- in making a decision, give proper consideration to any human rights relevant to the decision.

The Human Rights Act applies to public entities, which includes the Minister, the Coordinator-General, the Director-General, other decision makers and delegates, the department and public service employees. It also applies to an entity established under an Act, for example: the Economic Development Board, South Bank Corporation and Queensland Reconstruction Authority.

Accordingly, the Minister will need to comply with the Human Rights Act in deciding whether to issue the proposed call in notice. This assessment has been prepared to assist the Minister and must be considered in making this decision.

The purpose of this assessment is to demonstrate how human rights have been considered for the decision or action. This has involved considering:

- whether any human rights protected by the Human Rights Act are likely to be relevant to the decision/action
- whether there is potential for those identified human rights to be limited by the decision/action
- if there is potential for human rights to be limited by the decision/action, whether a less restrictive way of achieving the purpose of the decision/action is reasonably available
- if there is no less restrictive way of achieving the purpose of the decision/action, whether any limitation is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Access refused under s.47(3)(a) of the RTI Act. Exempt information under s.48 and schedule 3, s.7 of the RTI Act (Legal professional privilege)

The department notes that additional information may be provided:

- during the representation period for the proposed call in notice; or
- during any assessment and decision stages of the application if it is called in,

that may be relevant to the human rights assessments to be undertaken for the decision to call in the application and the decision on the application itself (which are separate decisions requiring separate consideration of human rights). Further assessments will be provided for those decisions at that time.



### **Proposed decision or action (relating to MBN21/1567)**

The proposed decision is to give a proposed call in notice to Wanless Recycling Park Pty Ltd (Wanless) under section 102 of the *Planning Act 2016* for the development application by Wanless to Ipswich City Council (the council) for the following:

- Reconfiguring a Lot - Boundary Realignment (Thirteen (13) Lots into Five (5) Lots)
- Material Change of Use - Waste Activity Use involving Landfill (Combination of Construction & Demolition, Commercial & Industrial & Putrescible Waste) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area
- Material Change of Use - Waste Activity Use involving Rehabilitating a Mining Void in the Ebenezer / Willowbank / Jeebropilly Buffer Area
- Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including waste transfer station: operating a waste transfer station which receives waste at the rate of 20,000 tonnes or more per year
- Material Change of Use - Waste Activity Use involving Waste recycling, reprocessing and disposal (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste
- Material Change of Use - Waste Activity Use involving Crushing, milling or grinding (Special Industry) in the Ebenezer / Willowbank / Jeebropilly Waste Activity Area and the Ebenezer / Willowbank / Jeebropilly Buffer Area including screening, washing, crushing, grinding, milling, sizing or separating in works producing 5,000 tonnes or more per year
- Environmentally Relevant Activities (ERA 54 – 2(c): Mechanical Waste Reprocessing: operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste more than 10,000t; ERA 60 – 2(1)(b)(h): Waste Disposal: operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >200,000t/yr; ERA 62 – 1(b): Resource Recovery and Transfer Facility Operation: operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 1 regulated waste).

Wanless' development application is the subject of an appeal to the Planning and Environment Court against the council's part refusal of the development application (Appeal). The Appeal has been joined by more than fifty submitter co-respondents.

The application involves complex and significant environmental issues associated with potential rehabilitation of mining voids and the environmental impacts of waste activities.

The reasons for and background facts behind the decision are set out in the Preliminary Assessment Report (PAR) attached to MBN21/1567.

If the Minister decides to call in the development application, the effect of this will be:

- The Appeal will be discontinued, noting this appeal includes more than fifty submitter co-respondents; and
- The Minister will assume responsibility for assessing and deciding the development application.

## **1. Identify relevant human rights**

It is the department's view that, having regard to the nature of the development application the subject of the decision (explained in the PAR), the human rights which may be relevant to the proposed decision are:

- section 16 – right to life and not be arbitrarily deprived of life (including because of environmental hazards);
- section 19 – freedom of movement (including the right to choose where to live);
- section 21 – freedom of expression (including the right to be heard in the Appeal);
- section 24 – property rights (the right to own property and not be arbitrarily deprived of it);
- section 25 – right to privacy (which may include protection from environmental hazards);
- section 26 – rights of children to protection in their best interests;
- section 29 – right to liberty and security of the person (which may include a stand-alone right to security of the person protecting against bodily or mental injury).

## **2. Consideration of whether human rights will be limited by the decision or action and whether any limitation is reasonable and justifiable**

The department considers that it is open to the Minister to decide to issue a proposed call in notice.

Should the Planning Minister choose to issue a proposed call in notice, the proposed call in notice for the development application may potentially limit (or interfere with) the identified rights as outlined below, to the extent that the decision may lead to an ultimate decision by the Minister to call in the application.

### **a) section 21 – freedom of expression**

- Section 21 recognises freedom of expression which includes the right to hold an opinion and the freedom to seek, receive and impart information and ideas of all kinds. This includes making decisions in relation to the provision of information or restrictions on access to information.
- If the Minister ultimately decides to call in the development application, the Appeal will be discontinued, which means that the parties (Wanless, the council and any submitter co-respondents) will no longer have the opportunity to be heard in Court.
- However, these parties will be given the opportunity to make representations to the Minister about the proposed call in (section 102 *Planning Act 2016*).
- On this basis, any freedom of expression enjoyed by parties to the Appeal may be potentially limited by the decision, however, for the reasons outlined in the PAR, the decision is reasonable and justifiable in the circumstances, because:
  - the purpose of the potential limitation is to protect or give effect to state interests (economic and environmental interests of the State or part of the State as explained in the PAR)
  - this purpose is significant and recognised as such under the *Planning Act 2016*
  - there are built in safeguards in that the Minister will be required to consider representations before making the ultimate call in decision as mentioned above
  - there are no less restrictive ways to achieve the purpose.

### **b) section 24 – property rights (the right to own property and not be arbitrarily deprived of it)**

- Section 24 states that:
  - *All persons have the right to own property alone or in association with others; and*

- *A person must not be arbitrarily deprived of the person's property.*
- This right is concerned about decisions that include restricting the use of private property, including under planning laws.
- The decision (i.e. to issue a proposed call in notice) involves a change to the decision making process for the assessment of a development application. As mentioned above, if the decision leads to the Minister ultimately issuing a call in notice, the Appeal will be discontinued.
- If this occurs, the property rights, both of Wanless (and its individual employees) and any submitters may be potentially limited in that the Minister would be stepping in to determine whether or not the development may proceed.
- Any potential limitation on property rights is reasonable and justifiable in the circumstances, because:
  - the purpose of the potential limitation is to protect or give effect to state interests (economic and environmental interests of the State or part of the State as explained in the PAR);
  - this purpose is significant and recognised as such under the *Planning Act 2016*
  - there are built in safeguards in that the Minister will be required to consider representations before making the ultimate call in decision as mentioned above
  - there are no less restrictive ways to achieve the purpose.

**(c) environmental impacts generally (other rights)**

- In terms of the other rights listed above (sections 16, 19, 25, 26 and 29), the decision may potentially impact on these rights given that the development the subject of the decision involves complex and significant environmental issues associated with potential rehabilitation of mining voids and the environmental impacts of waste activities.
- Any potential limitation on these rights is reasonable and justifiable in the circumstances, because:
  - the purpose of the potential limitation is to protect or give effect to state interests (economic and environmental interests of the State or part of the State as explained in the PAR)
  - this purpose is significant and recognised as such under the *Planning Act 2016*
  - there are built in safeguards in that the Minister will be required to consider representations before making the ultimate call in decision as mentioned above
  - there are no less restrictive ways to achieve the purpose.

**Conclusion**

For the reasons outlined above, the department considers that any potential limitation on the identified human rights is only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the Human Rights Act. Therefore the department considers the decision is compatible with human rights.



# List of rights

The Human Rights Act sets out 23 mainly civil and political rights that are largely derived from the International Covenant on Civil and Political Rights:

- Right to recognition as a person and equality before the law (s15)
- Right to life and right not to be arbitrarily deprived of life (s16)
- Protection from torture and cruel, inhuman or degrading treatment (s17)
- Freedom from forced work – a person must not be held in slavery or servitude or made to perform forced or compulsory labour (s18)
- Freedom of movement – a right to move freely within Queensland and leave and enter it and freedom to choose where to live (s19)
- Freedom of thought, conscience, religion and belief (s20)
- Freedom of expression which includes the right to hold an opinion and the freedom to seek, receive and impart information and ideas of all kinds (s21)
- Right to peaceful assembly and freedom of association with others including the right to form and join trade unions (s22)
- Right to participate in the conduct of public affairs including a right to vote (s23)
- Right to own property and not be arbitrarily deprived of property (s24)
- Right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with and right not to have reputation unlawfully attacked (s25)
- Protection of families and children (s26)
- Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practise their religion and use their language (s27)
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (s28)
- Right to liberty and security of person including a right not to be subjected to arbitrary arrest or detention (s29)
- Right to humane treatment when deprived of liberty (s30)
- Right to a fair hearing if charged with a criminal offence or a party to a civil proceeding (s31)
- Rights in criminal proceedings including a right to be presumed innocent until proved guilty according to law (s32)
- Rights of children in the criminal process including a right to be segregated from all detained adults (s33)
- Right not to be tried or punished more than once for an offence for which the person has already been convicted or acquitted (s34)
- Protection against retrospective criminal laws including a right not to be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in (s35)
- Right to education (s36)
- Right to health services (s37).

*Detailed information on the scope of each right, and examples of when the right may be relevant in practice are available from the Queensland Human Rights Commission: [www.qhrc.qld.gov.au/your-rights/human-rights-law](http://www.qhrc.qld.gov.au/your-rights/human-rights-law).*





**Australian Government**

**Department of Defence**  
Estate and Infrastructure Group

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ID-EP-DLP&R/OUT/2021/BS17000343

Development Assessment Manager  
Ipswich City Council  
45 Roderick St  
PO Box 191  
Ipswich QLD 4305

To whom it may concern,

**RE: APPLICATION No: 10674/2019/CA - REQUEST FOR THIRD PARTY ADVICE – MINOR CHANGE TO DEVELOPMENT APPLICATION TO INCLUDE DEWATERING OF EXISTING MINE VOIDS – WASTE ACTIVITY, EBENEZER, QLD 4340 AND WILLOWBANK, QLD 4306**

The Department of Defence (Defence) thanks Ipswich City Council for the opportunity to comment on an amendment to an approved DA to enable dewatering of existing mine voids for Waste Use Activities, at 82A-H Lanes Road, Ebenezer; Lots 1, 312, 266-304, 350 Coopers Road, Willowbank; Lots 166-198, 202-282 Bergmans Road, Ebenezer; and Lot 257 Unnamed Road, Ebenezer, Queensland. The subject site is located approximately 5.9 km south west of RAAF Base Amberley.

Defence is seeking to ensure that the long term viability of RAAF Base Amberley is not compromised by inappropriate development of surrounding land, as this has the potential to impact on Australia's Defence operations. On this basis Defence would like to make the following comments.

### **Bird Strike**

The subject site is located in an area mapped by Defence as "Bird strike Group B". In this area, the proposed use for waste activities has the potential to be a high to very high risk for wildlife hazard and potentially increase the risk for bird strike for aircraft operation from RAAF Base Amberley.

Defence expects that the applicant will undertake all necessary measures to ensure that wildlife (birds) are controlled on the subject site. The Department of Infrastructure, Transport, Cities and Regional Development *National Airports Safeguarding Framework, Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports*, provides recommendations that should be taken to mitigate risk in consultation with the airport operator and qualified bird and wildlife management experts. Defence requests that an appropriate condition for the management of any wildlife hazard be included in any approval.

### **Defence (Aviation Area) Regulations**

In accordance with the Defence Aviation Area (DAA) mapping for RAAF Base Amberley, the subject site is in an area where "*structures higher than 45 metres above ground level (AGL) require approval*" from Defence. Should cranes, vegetation and any future structures, including any plume that may be associated with the facility exceed 45 metres AGL, details must be

provided to Defence for assessment and approval under the Defence (Aviation Areas) Regulation.

Should you wish to discuss the content of this advice further, my point of contact is [REDACTED]  
[REDACTED] at land.planning@defence.gov.au or by telephone on [REDACTED]

Yours sincerely

[REDACTED]  
Director Land Planning & Regulation

15 January 2021



**Australian Government**

**Department of Defence**  
Estate and Infrastructure Group

Director Land Planning and Regulation  
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ID-EP-DLP&R/OUT/2020/BS8170554

Mr Michael Simmons  
Development Assessment West Manager  
Ipswich City Council  
45 Roderick St  
PO Box 191  
Ipswich QLD 4305

Dear Mr Simmons

**RE: APPLICATION No: 10674/2019/CA - REQUEST FOR THIRD PARTY ADVICE – MATERIAL CHANGE OF USE – WASTE ACTIVITY, EBENEZER, QLD 4340 AND WILLOWBANK, QLD 4306**

The Department of Defence (Defence) thanks Ipswich City Council for the opportunity to comment on the proposed Combined Approval for Waste Activities, including Landfill, Waste Recycling, Reprocessing and Disposal at 82A-H Lanes Road, Ebenezer; Lots 1, 312, 266-304, 350 Coopers Road, Willowbank; Lots 166-198, 202-282 Bergmans Road, Ebenezer; and Lot 257 Unnamed Road, Ebenezer, Queensland. The subject site is located approximately 5.9 km south west of RAAF Base Amberley.

Defence is seeking to ensure that the long term viability of RAAF Base Amberley is not compromised by inappropriate development of surrounding land, as this has the potential to impact on Australia's Defence operations. On this basis Defence would like to make the following comments.

**Bird Strike**

The subject site is located in an area mapped by Defence as "Bird strike Group B". In this area, the proposed use for waste activities has the potential to be high to very high risk for a wildlife hazard and potentially increase the risk for bird strike for aircraft operation from RAAF Base Amberley.

Defence expects that the applicant will undertake all necessary measures to ensure that wildlife (birds) are controlled on the subject site. The Department of Infrastructure, Transport, Cities and Regional Development *National Airports Safeguarding Framework, Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports*, provides recommendations that should be taken to mitigate risk in consultation with the airport operator and qualified bird and wildlife management experts. Risk mitigation measures identified in the guidance include:-

- a requirement for a Wildlife Management Program;
- the establishment of wildlife management performance standards;

- allowance for changes to design and/or operating procedures at places/plants where land use has been identified as increasing the risk of wildlife strike to aircraft;
- establishment of appropriate habitat management at incompatible land uses;
- creation of performance bonds to ensure clean-up and compensation should obligations not be met;
- authority for airport operators to inspect and monitor properties close to airports where wildlife hazards have been identified; and
- consistent and effective reporting of wildlife events in line with Australian Transport Safety Bureau (ATSB) guidelines.

Defence requests that an appropriate condition for the management of any wildlife hazard be included in any approval.

### **Defence (Aviation Area) Regulations**

In accordance with the Defence Aviation Area (DAA) mapping for RAAF Base Amberley, the subject site is in an area where “*structures higher than 45 metres above ground level (AGL) require approval*” from Defence. Should cranes, vegetation and any future structures, including any plume that may be associated with the facility exceed 45 metres AGL, details must be provided to Defence for assessment and approval under the Defence (Aviation Areas) Regulation. It should be noted that under the DAA, any exhaust plume with an upward vertical velocity of 4.3m/s and exceeding an above ground level height of 45m will require a DAA application.

Should you wish to discuss the content of this advice further, my point of contact is [redacted] at land.planning@defence.gov.au.

Yours sincerely

[redacted]

Director Land Planning & Regulation

22 January 2020



# Abbreviations

<b><i>C &amp; D</i></b>	Construction and Demolition
<b><i>C &amp; I</i></b>	Commercial and Industrial
<b><i>DES</i></b>	Department of Environment and Science
<b><i>EA</i></b>	Environmental Authority
<b><i>ERA</i></b>	Environmentally Relevant Activity
<b><i>Landfill</i></b>	Waste Activity Use
<b><i>MCU</i></b>	Material Change of Use
<b><i>MNES</i></b>	<i>Matters of National Environmental Significance</i>
<b><i>MSES</i></b>	Matters of State Environmental Significance
<b><i>Planning Regulation</i></b>	Planning Regulation 2017
<b><i>Planning Scheme</i></b>	<i>Ipswich Planning Scheme</i>
<b><i>REC</i></b>	Regional Economic Cluster
<b><i>RoL</i></b>	Reconfiguring a Lot
<b><i>SARA</i></b>	State Assessment Referral Agency
<b><i>ShapingSEQ</i></b>	South East Queensland Regional Plan 2017
<b><i>SPP</i></b>	State planning Policy
<b><i>The applicant</i></b>	<i>Wanless Recycling Park Pty Ltd</i>
<b><i>The council</i></b>	Ipswich City Council
<b><i>The department</i></b>	The Department of State Development, Infrastructure, Local Government and Planning
<b><i>The Planning Act</i></b>	<i>Planning Act 2016</i>
<b><i>TLPI</i></b>	<i>Temporary Local Planning Instrument</i>
<b><i>Wanless</i></b>	<i>Wanless Recycling Park Pty Ltd</i>



**Hon Steven Miles MP**  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MC21/4687

29 November 2021

Mr Rod Duke  
Chief Executive Officer  
Energex Limited  
26 Reddacliff Street  
NEWSTEAD QLD 4006

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
**Telephone** + 61 3719 7100  
**Email** [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)  
**Website** [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Dear Mr Duke

I am writing to advise you that I am considering exercising my ministerial powers under the *Planning Act 2016* (the Planning Act) to call in, reassess and redetermine a development application made by Wanless Recycling Park Pty Ltd, to the Ipswich City Council (the council) for a development permit for reconfiguring a lot and material change of use for a resource recovery and landfill facility.

The site is located at 266-304 and 350 Coopers Road, Ebenezer.

Pursuant to section 102(2) of the Planning Act, please find enclosed the proposed call in notice for your consideration. The purpose of this notice is to advise you of my intention to call in this development application and to invite written representations from you about the proposed call in.

I am interested in finding out:

- if you believe the proposed development involves a state interest
- whether or not I should exercise my power under the Planning Act to call in the development application.

The effect of calling in a development application is that:

- I reassess and redetermine the development application in place of the original assessment manager, the council
- my decision on the development application is taken to be the original assessment manager's decision and cannot be appealed.

Please address your representations to:

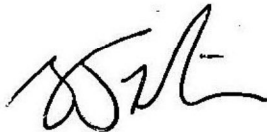
Deputy Premier  
Minister for State Development, Infrastructure, Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure  
c/- Director, Development Assessment Division  
Planning Group  
Department of State Development, Infrastructure, Local Government and Planning

Email: [ministerial.callin@dsdilgp.qld.gov.au](mailto:ministerial.callin@dsdilgp.qld.gov.au)

Post: PO Box 15009  
CITY EAST QLD 4002

Please be advised that any representations you wish to make must be received by **5.00pm on 21 December 2021**.

Yours sincerely

A handwritten signature in black ink, appearing to be 'SM', written over a faint circular stamp.

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

Enc

**From:** [Phil Joyce](#)  
**To:** Access refuse  
**Cc:** Access refuse, [Paul Beutel](#)  
**Subject:** Development application by Wanless Recycling Park Pty Ltd - Proposed call in notice  
**Date:** Monday, 29 November 2021 4:04:32 PM  
**Attachments:** [Proposed Call In Notice - Wanless Recycling Park.pdf](#)  
[Deputy Premier letter to Wanless Recycling Park Pty Ltd.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Dear Access refuse,

Thanks for your email acceptance.

I have attached a copy of a letter from the Deputy Premier and a proposed call in notice for a development application made by Wanless Recycling Park Pty Ltd .

Please can you confirm receipt of my email and 2 attachments.

Regards

**Phil Joyce**

Director, Development Assessment  
**Planning Group**  
Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – [meet now](#)

---

P Access refuse M Access refused u  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, CITY EAST QLD 4002

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

---

**From:** Access refused under s.47(b) <[redacted]@wanlessco.com.au>  
**Sent:** Monday, 29 November 2021 3:41 PM  
**To:** Phil Joyce <Phil.Joyce@dsdilgp.qld.gov.au>  
**Cc:** Access refused under s.47(b) <[redacted]@urbis.com.au>  
**Subject:** Re: Development application by Wanless Recycling Park Pty Ltd - Proposed call in notice

Yes I accept the documents by email

Thanks

Access refused under s.47(3)(b)



Regards [Access r]



On Mon, Nov 29, 2021 at 4:39 PM Phil Joyce <[Phil.Joyce@dsdilgp.qld.gov.au](mailto:Phil.Joyce@dsdilgp.qld.gov.au)> wrote:

Dear [Access refused under]

Please can you confirm your acceptance of the proposed call in notice being sent to Wanless Recycling Park Pty Ltd by email.

Regards

**Phil Joyce**

Director, Development Assessment

**Planning Group**

Department of State Development, Infrastructure,  
Local Government and Planning

Microsoft teams – [meet now](#)

---

P [Access refus] M [Access refused u]

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

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

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**Hon Steven Miles MP**  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MC21/4687

29 November 2021

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
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**Website** [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Access refused under s.47

Wanless Recycling Park Pty Ltd  
1-5 Whiting Street  
ARTARMON NSW 2064

Dear Access refused u

I am writing to advise you that I am considering exercising my ministerial powers under the *Planning Act 2016* (the Planning Act) to call in, reassess and redetermine a development application made by Wanless Recycling Park Pty Ltd, to the Ipswich City Council (the council) for a development permit for reconfiguring a lot and material change of use for a resource recovery and landfill facility.

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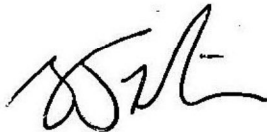
Deputy Premier  
Minister for State Development, Infrastructure, Local Government and Planning  
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c/- Director, Development Assessment Division  
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Email: [ministerial.callin@dsdilgp.qld.gov.au](mailto:ministerial.callin@dsdilgp.qld.gov.au)

Post: PO Box 15009  
CITY EAST QLD 4002

Please be advised that any representations you wish to make must be received by  
**5.00pm on 21 December 2021.**

Yours sincerely



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

Enc

cc

Access refused under s.4

Urbis Pty Ltd

Access refused  
[info@urbis.com.au](mailto:info@urbis.com.au)