TEMPORARY LOCAL PLANNING INSTRUMENT No. 1 of 2021
(RESOURCE RECOVERY AND WASTE ACTIVITY REGULATION)

Ipswich Planning Scheme 2006

PART 1 – SHORT TITLE

1.1. This temporary local planning instrument (TLPI) may be cited as TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation).

PART 2 – BACKGROUND

Context

2.1. In 2018 the first of a series of TLPIs addressing emerging and urgent waste issues in Ipswich commenced. These earlier TLPIs refined the regulatory framework to address the prevalence of waste uses and provide a contemporary policy approach to their regulation. Subsequent TLPIs commenced in 2020 to ensure ongoing contemporary regulation of waste activities. The 2020 TLPIs coincided with the commencement of work on a new planning scheme for Ipswich.

2.2. The strategic approach to waste is changing, through policy and legal advancements by both State and Commonwealth Governments towards the achievement of a 'zero-waste future' through the adoption of the waste hierarchy. Community attitudes towards waste reduction, re-use, recycling and disposal, together with protection of the environment, are also changing.

2.3. This TLPI adopts, supports and implements the Ipswich City Council's Waste and Circular Economy Transformation Policy Directive and Waste and Resource Management Hierarchy for a zero-waste future at a practical, local level. It also responds to negative waste management experiences in Ipswich whilst providing a framework to support these changing policy advancements, for new and emerging technologies, industries and direction to the industry on the appropriate mechanisms and management techniques to address the external impacts of the uses.

2.4. Energy from waste is an emerging waste management technology in Australia and forms one possible part of the Waste and Resource Management Hierarchy. Currently, there is no nationally consistent policy approach to recovering energy from waste in Australia, with a mixture of policy settings across the country. These activities are not specifically catered for under Queensland's planning and environment legislative framework, including local planning schemes, because it is a new and emerging area.

2.5. The Queensland Government is undertaking a range of policy work, including consultation to determine the appropriate role and use of energy from waste technology in Queensland. This emerging policy seeks to ensure human health and the environment are protected and the integrity of re-use and recycling activities is maintained. Energy from waste also has significant community interest. In the absence of regulation, it is important to ensure there is a determined policy approach to provide certainty to industry and the community before these types of activities can be considered.

The Planning Challenge

2.6. Addressing the planning issues associated with the challenges that waste activities within Ipswich have produced is critical. This TLPI is an interim measure to provide for policy advancements in the lead up to the preparation of the new Ipswich Planning Scheme. The policy content of this TLPI will inform the preparation of provisions of the new Ipswich Planning Scheme as part of a considered approach to the collective issue of waste, and the future of waste and resource management for Ipswich City and its role in Queensland. It is anticipated that in preparing the new Ipswich Planning Scheme, further consideration can be given to land use decisions to assist in the transition to a zero-waste future.

PART 3 – OVERVIEW

3.1. This TLPI provides an interim policy response for Waste Activity uses occurring within the TLPI Boundary (see Figure 1: TLPI Boundary), for example Landfill and Energy from Waste facilities.

3.2. The TLPI recognises the role that the spectrum of Waste Activities play as both critical infrastructure in addressing the need to deal with waste generated by human activities, as well as the ever-increasing focus on the natural environment and the Waste and Resource Management Hierarchy.

3.3. This TLPI seeks to balance land use, economic, social and environmental interests, at significant risk of being impacted by current and expected waste activity proposals within the TLPI Boundary.

PART 4 – PURPOSE OF THE TLPI

4.1. The purpose of the TLPI is to manage new or expanded Waste Activities within the TLPI Boundary to ensure:
   (a) the regionally significant economic areas are developed appropriately to provide economic benefits to the City and local area;
   (b) facilitate and manage the restoration of areas affected by past mining operations;
   (c) Sensitive Receiving Uses are protected from adverse impacts associated with waste activities; and
   (d) the immediate and long-term protection and improvement of the natural environment.

4.2 To achieve this purpose, the TLPI—
   (a) suspends parts of the Ipswich Planning Scheme (Planning Scheme), set out in Part 7;
   (b) includes the following additional Strategic Outcomes (called “Desired Environmental Outcomes” in the Planning Scheme) for the local government area:
      (i) a Waste Activity protects existing and future residential amenity through onsite management of off-site impacts; and
      (ii) ultimate site use considers and responds to the safety, geotechnical stability and releases to the environment including the visual impact that the final landform of the site might have on a natural setting; and
      (iii) voids and end-of-life sites are restored to a natural or pre-mining landform through a range of appropriate options which respond to the existing infrastructure, topographical, environmental and social opportunities and constraints of the site; and

(iv) Energy from Waste Facilities are separated from existing or planned areas for Sensitive Receiving Uses to avoid all adverse impacts;

(c) includes additional definitions for Defined Uses and Use Classes for:
  (i) Clean Earth;
  (ii) Compost Manufacturing Enclosed;
  (iii) Compost Manufacturing Unenclosed;
  (iv) Energy from Waste Facility;
  (v) Landfill;
  (vi) Void;
  (vii) Resource Recovery Facility;
  (viii) Restoring a Void; and
  (ix) Waste Activity.

(d) includes two regulation areas:
  (i) Regulated Buffer Area; and
  (ii) Regulated Activity Area.

(e) prescribes the categories of assessment for development subject to this instrument; and

(f) includes Assessment Criteria for Development for a Stated Purpose or of a Stated Type, being the "Resource Recovery and Waste Activity Code".

PART 4 – DURATION OF TLPI

5.1. In accordance with section 9(3)(a) of the *Planning Act 2016* (the Planning Act) the TLPI starts to have effect on the day on which notice of the TLPI is published in the government gazette.

5.2. This TLPI will have effect in accordance with the Planning Act for a period not exceeding two years after the effective day unless otherwise repealed sooner.

Note: *the Minister repealed Temporary Local Planning Instrument No. 1 of 2020 (Waste Activity Regulation) (TLPI 01/2020) and Temporary Local Planning Instrument No. 2 of 2020 (Waste Activity Regulation) (TLPI 02/2020) immediately before the TLPI starts to have effect*

PART 6 – INTERPRETATION

6.1. Where a term used in the TLPI is not defined, the term shall have the meaning assigned to it by the Planning Scheme. Where the term is not defined in the Planning Scheme –
  (a) the Planning Act; or
  (b) the *Waste Reduction and Recycling Act 2011*; or
  (c) the *Environmental Protection Act 1994*; or
  (d) associated regulations.

6.2. To the extent of any inconsistency between the Planning Scheme and the TLPI or a planning scheme policy and the TLPI, the TLPI prevails.

PART 7 – EFFECT OF THE TLPI

7.1. This TLPI is a local categorising instrument under the Planning Act which categorises development, specifies the categories of assessment and sets out assessment benchmarks for assessing assessable development.

7.2. The TLPI applies to all assessable development on land within the TLPI Boundary on the maps in **Figures 1 – 3**.

7.3. The assessment benchmarks under this TLPI are:
   (a) the Strategic Outcomes set out in Part 4.2(b)
   (b) **Attachment A:** the "Resource Recovery and Waste Activity Code"; and
   (c) The Planning Scheme (unless stated otherwise)

7.4. The Strategic Outcomes set out in Part 4.2(b) of this TLPI apply in addition to the Desired Environmental Outcomes in Part 3, section 3.1(3) of the Planning Scheme.

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

7.6. This TLPI includes definitions as set out below in **Attachment C**.

This TLPI does not regulate activities authorised under Mining Leases (and associated Environmental Authorities) under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994* and the associated regulations. This includes works which might constitute Restoring a Void where those works are a component of a remediation plan authorised and prepared under these other Acts or works which would constitute rehabilitation under an Environmental Authority.

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

7.8. This TLPI does not regulate composting that is domestic / home composting end products for self-use (see AS 4454-2012 Composts, soil conditioners and mulches) on a domestic scale.

ATTACHMENT A: Resource Recovery and Waste Activity Code

1. Compliance with the Resource Recovery and Waste Activity Code

(1) Development that is consistent with sections 2 and 4 of the Resource Recovery and Waste Activity Code complies with the Resource Recovery and Waste Activity Code; and

(2) Development for Waste Activities that is inconsistent with section 2 of the Resource Recovery and Waste Activity Code constitutes undesirable development and is assessed against the Part 4 of the TLPI.

2. Purpose and Overall Outcomes of the Resource Recovery and Waste Activity Code

(1) The purpose of the Resource Recovery and Waste Activity Code is to ensure that:

(a) Sensitive Receiving Uses are protected from all adverse impacts resulting from or associated with all Waste Activities or Restoring a Void within the TLPI Boundary;
(b) Regionally Significant Business Enterprise and Industry Areas within the TLPI Boundary are developed such that:
  (i) environmental values are protected;
  (ii) identified green and open space areas are protected;
  (iii) detrimental impacts on the amenity of the surrounding area particularly on existing, approved or planned residential areas or other Sensitive Receiving Uses, are avoided;
  (iv) significant impacts on visual amenity to residential and other Sensitive Receiving Uses are avoided;
  (v) they are designed, operated and maintained to avoid actual or potential nuisance impacts on existing, approved or planned residential and other Sensitive Receiving Uses; and
  (vi) appropriate rehabilitation outcomes are achieved for land affected by former mining activities.
(c) Energy from Waste Facilities are:
  (i) separated from existing or planned areas for Sensitive Receiving Uses;
  (ii) of a size, scale and intensity consistent with the planned development for the area and do not result in noise, odour, dust or other emission impacts on existing or planned residential areas.
(d) Land affected by former mining operations is appropriately restored and made available for future uses.

(2) The purpose of the Resource Recovery and Waste Activity Code will be achieved by the following overall outcomes:

(a) Restoring a Void:
  (i) occurs in the Swanbank/New Chum Regulated Activity Area;
  (ii) only occurs in the Regulated Buffer Area where Sensitive Receiving Uses are not adversely affected;
  (iii) protects and improves the natural environment and does not negatively impact on environmental values; and
  (iv) avoids adverse amenity (odour, dust, noise, air quality, visual and general amenity) impacts on Sensitive Receiving Uses.
(b) Waste Activities in the Swanbank/New Chum Regulated Activity Area:

(i) all Waste Activities other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
(ii) Landfill is avoided in the Regulated Activity Area;
(iii) Compost Manufacturing Enclosed is only established in the Regulated Activity Area where:
a. adverse environmental impacts on and beyond the premises are avoided;
b. any increase in environmental risk on and beyond the premises is avoided; and
c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
d. on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(c) Waste Activities in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area:
(i) other than Resource Recovery Facilities do not occur in the Regulated Buffer Area;
(ii) are only established in the Regulated Activity Area where:
a. adverse environmental impacts on and beyond the premises are avoided;
b. any increase in environmental risk on and beyond the premises is avoided; and
c. adverse amenity impacts (odour, dust, noise, air quality, visual and general amenity impacts) on Sensitive Receiving Uses are avoided; and
d. adverse impacts on any other use of adjoining and nearby premises are minimised and best practice management is implemented.

(d) Compost Manufacturing Unenclosed is avoided in all locations within the TLPI Boundary.
(e) Energy from Waste Facilities within the TLPI Boundary:
(i) are located to avoid adverse impacts on all existing or planned areas for Sensitive Receiving Uses;
(ii) are of a size, scale and intensity consistent with the intended or planned development for the area.

(f) Extension or expansion of a lawfully existing Waste Activity improves amenity by:
(i) minimising environmental emissions and amenity impacts on existing and proposed residential areas;
(ii) reducing the extent and intensity of adverse off-site impacts;
(iii) improving the management of adverse off-site impacts by implementing best practice;
(iv) Improving environmental performance;

(g) New Resource Recovery Facilities are established in the Regulated Activity Area in location that have safe and convenient access to supporting uses (e.g. consumers of recycled material) and minimise heavy vehicle movements on the road network.
(h) New or expanded landfills include Resource Recovery Facilities to maximise reuse, resource recovery and recycling and minimise residual waste.

3. Application of Specific Outcomes for the Resource Recovery and Waste Activity Code

(1) Table 3.1 identifies which Specific Outcomes (SO) in Table 4.1 are relevant for the development types. All development should demonstrate compliance with the relevant provisions of Table 4.1.

Table 3.1: Application of Specific Outcomes

Development	Relevant provisions
Development within the Swanbank/New Chum regulation area	SO1 – SO5; and SO12 – SO19
Development with the Ebenezer/ Willowbank / Jeebropilly regulation area	SO6 – SO11; and SO12 – SO19

4. Specific Outcomes and Probable Solutions for the Resource Recovery and Waste Activity Code

(1) The specific outcomes and probable solutions for the Resource Recovery and Waste Activity Code are set out in Table 4.1.

Table 4.1: Specific Outcomes and Probable Solutions

Column 1 Specific Outcomes	Column 2 Probable Solutions
Swanbank/New Chum Regulation Area – Restoring a Void	
(1) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(2) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(3) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided
(4) The use of premises for Restoring a Void: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) includes landscaping and revegetation strategies appropriate for the long-term	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
use of the premises; (f) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Swanbank/New Chum Regulation Area – Waste Activities	
(5) The use of premises for Waste Activities: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) does not limit the establishment of productive current and future use of the premises; (c) protects and enhances existing environmental values; (d) improves and adds to identified green space and open space; (e) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	No probable solution provided
Ebenezer/Willowbank/Jeebropilly Regulation Area – Restoring a Void	
(6) The use of premises for Restoring a Void occurs in the Regulated Activity Area.	No probable solution provided
(7) The use of premises for Restoring a Void in the Regulated Buffer Area occurs where it: (a) does not have any adverse impact on Sensitive Receiving Uses; and (b) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided
(8) The use of premises for Restoring a Void uses: (a) materials sourced from the premises in priority to the importation of materials from other locations; and (b) for any shortfall, Clean Earth.	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
(9) The use of premises for Restoring a Void: (g) protects Sensitive Receiving Uses from adverse impacts of development; (h) does not limit the establishment of productive current and future use of the premises; (i) protects and enhances existing environmental values; (j) improves and adds to identified green space and open space; (k) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (l) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street.	
Ebenezer/Willowbank/Jeebropilly Regulation Area – Waste Activities	
(10) The use of a premises for a Waste Activity involving Landfill occurs only in the Regulated Activity Area.	No probable solution provided
(11) The use of premises for a Waste Activity involving Landfill: (a) protects Sensitive Receiving Uses from adverse impacts of development; (b) protects and enhances existing environmental values; (c) improves and adds to identified green space and open space; (d) includes landscaping and revegetation strategies appropriate for the long-term use of the premises; (e) provides buildings and other improvements (e.g. roads, fencing, site infrastructure and landscaping) that is of a scale and design which contributes positively to the visual character of the area, especially as seen from the street; (f) implements and maintains best practice measures to protect Sensitive Receiving Uses from potential adverse impacts (including odour, dust, air quality, noise, visual and general amenity impacts) at all times.	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
Waste Activities (Landfill)	
(12) New, changed or expanded Waste Activities involving Landfill: (a) include the establishment of a Resource Recovery Facility on the site of, or adjoining, the Landfill to increase the re-use, recycling and recovery of waste resources.	No probable solution provided
Waste Activities (Energy from Waste Facility)	
(13) The use of premises for Waste Activities involving Energy from Waste Facility is located, designed and constructed only where the proposal is located no closer than 5km from a Sensitive Receiving Use.	No probable solution provided
(14) The use of premises for Waste Activities involving Energy from Waste Facility is only supported where the proposal is of a size, scale, and intensity consistent with the intended or planned development for the area.	No probable solution provided
Filling and earthworks	
(15) Filling and earthworks associated with Waste Activities: (a) for Landfill, prioritises use of materials existing on the premises in priority to the importation of other materials; (b) for Landfill, use Clean Earth in priority to the importation of waste; (c) are designed, operated and maintained so that Waste Activities are not visible from Sensitive Receiving Uses; (d) ensure that fill materials are compacted to the maximum extent possible.	No probable solution provided
(16) Filling or earthworks associated with Waste Activities above the Top of a Void only occurs where it: (a) provides a necessary stormwater management function; (b) prevents water ponding on the surface, or infiltration of water into a Void that contains any waste; and (c) does not exceed a maximum gradient of 5%, or where the proposed post closure use of the site requires a gradient of less than 5% (i.e. ongoing industrial uses), the final cap design	16.1 Filling or earthworks does not result in filling beyond the Top of Void.

Column 1 Specific Outcomes	Column 2 Probable Solutions
may need to incorporate additional levels of protection to prevent water intrusions and to protect the landfill.	
Landscaping and visual amenity	
(17) Waste Activities or Restoring a Void are designed and managed to: (a) establish and maintain native vegetation buffers to reduce adverse impacts on any Sensitive Receiving Use, riparian corridors or green space and open space; and (b) retain and maintain significant existing vegetation, particularly remnant native vegetation and areas of environmental significance.	No probable solution provided
Stormwater and groundwater management	
(18) Waste Activities or Restoring a Void are designed, operated and maintained to: (a) Avoid adversely affecting surface water or ground water quality, or introducing increased risks to surface water or ground water quality, including through storm water runoff or the dewatering of a Void; (b) not result in any increase in contaminant loads in the receiving environment on or off the premises; (c) where possible, improve the quality of runoff to nearby surface and ground water; (d) for Landfill, ensure that no waste is placed below the groundwater level (having regard to any ground water rebound that might occur) and provides a minimum 3m attenuation zone between waste and the groundwater level; (e) for Landfill, include an engineered and geotechnically stable sub-base that will support a minimum of 1.5 times the proposed waste mass and will not result in any differential settlement; (f) for Landfill, include an adequately designed, engineered and constructed composite liner system that will ensure there is no interaction between waste and leachate and between any surface water and ground water; and (g) for Landfill, include an adequately	No probable solution provided

Column 1 Specific Outcomes	Column 2 Probable Solutions
designed, engineered and constructed landfill cap that provides for the separation of all surface waters from waste and is progressively installed; (h) incorporate best practice design and management practices which minimise the generation of leachate and ensure that generated leachate is promptly treated or removed from the premises; (i) for Landfill, ensure that leachate levels will not exceed 300mm in depth at any point above the surface of the Landfill liner upon which waste will be placed; (j) does not adversely affect stormwater management and ensures no worsening of water quality (including contaminant loading) beyond the site boundary; and (k) where possible, avoid complex and technical management systems.	
(19) Waste Activities or Restoring a Void are designed, operated and maintained so that: (a) airborne emissions, including odours, dust or substances harmful to public health, do not cause nuisance or harm to surrounding and nearby Sensitive Receiving Uses; (b) the generation of noise or light does not cause any nuisance or disturbance to surrounding and nearby Sensitive Receiving Uses; and (c) contemporary emission monitoring, avoidance or mitigation processes and technologies for impacts on Sensitive Receiving Uses are implemented.	No probable solution provided

ATTACHMENT B: Table of Assessment and Relevant Assessment Criteria

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
USES IN THE REGULATED BUFFER AREA		
Restoring a Void in the Swanbank/New Chum Regulated Buffer Area and Ebenezer/Willowbank/Jeebropilly Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
All other Waste Activities – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
USES IN THE REGULATED ACTIVITY AREA		
Restoring a Void in the Swanbank/New Chum Regulated Activity Area or the Ebenezer/Willowbank/Jeebropilly Regulated Buffer Area	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity for a "Resource Recovery Facility"	Code Assessable	Relevant Area and Zone Code Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Earthworks Code (Part 12, division 15) Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Ebenezer/Willowbank/Jeebropilly Regulated Activity Area	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Landfill in the Swanbank/New Chum Regulated Activity Area – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Enclosed	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
Waste Activity involving Compost Manufacturing Unenclosed– inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code

Column 1 Defined use or use class	Column 2 Assessment category	Column 3 Relevant assessment criteria
Waste Activity involving Energy from Waste Facility – inconsistent use	Impact Assessable	The whole Planning Scheme Part 4 of TLPI No. 1/2021 (Resource Recovery and Waste Activity Regulation). Resource Recovery and Waste Activity Code
UNSPECIFIED USES		
Any use not identified above	As per the Planning Scheme	As per the Planning Scheme

ATTACHMENT C: DEFINITIONS

"***Clean Earth***" means–

(a) has the meaning given to it by Schedule 19 of the *Environmental Protection Regulation 2019* which states:

***"clean earth** means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant."*

"***Compost Manufacturing Enclosed***" means–

(a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material (including liquids); or

(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and

(c) is conducted in an enclosed system.

For the purposes of Compost Manufacturing Enclosed, the storage of Finished Product may occur outside.

"***Compost Manufacturing Unenclosed***" means–

(a) storing, processing, disposal, drying, anaerobic digestion or composting of organic material; or

(b) manufacturing of soil conditioners by receiving and blending, storing, processing, drying or composting organic material or organic waste; and

(c) is not conducted in an enclosed system or a fully enclosed building which contains and controls the composting process and contains and treats emissions.

For the purposes of Compost Manufacturing Enclosed and Compost Manufacturing Unenclosed, see Schedule 19 of the *Environmental Protection Regulation 1994* –

***"anaerobic digestion**, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.*

***composting**, of organic material, includes mixing the organic material to manufacture a soil conditioner.*

organic material means—

(a) animal matter, including, for example, dead animals, animal remains and animal excreta; or

(b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or

(c) organic waste.

***organic waste**—*

(a) includes the following—

(i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;

(ii) animal manure;

(iii) biosolids;

(iv) cardboard and paper waste;

(v) fish processing waste;

(vi) food and food processing waste;

(vii) grease trap waste;

(viii) green waste;
(ix) poultry processing waste;
(x) waste generated from an abattoir; but

(b) does not include—
(i) biosecurity waste; or (ii) clinical or related waste; or
(ii) contaminated soil; or
(iii) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

For the purposes of Compost Manufacturing Enclosed and Compost Manufacturing Unenclosed, the following definitions from the Model Operating Conditions ERA53(a) – Organic Material Processing by Composting – v4.00 dated 9 July 2021 are adopted –

*"**enclosed system** means a large building, or section of a building, operating under negative pressure where the receipt, mixing and composting of feedstocks occurs."*

*"**feedstock** means the organic material/s used or intended to be used for organic material processing."*

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

"Finished Product" means an organic product/s that has undergone controlled aerobic and thermophilic biological transformation through the composting process where all physical, biological, chemical or other processes are entirely complete and the product satisfies all requirements of any applicable standard (e.g. *AS 4454-2012 Composts, soil conditioners and mulches*).

"***Landfill***" means–

(a) the use of land for the disposal of any waste other than Clean Earth; and

(b) includes any consequential or incidental filling of, or permanent placement of waste or material processed from waste on, land arising from or associated with any Waste Activity whatsoever (e.g. where the ground level of any part of premises is varied by the permanent placement of waste or compost associated with Compost Manufacturing Enclosed or Compost Manufacturing Unenclosed).

For the purposes of waste above, the definition of waste from section 13 of the *Environmental Protection Act 1994* is adopted.

"***Regulated Activity Area"*** means the Regulated Activity Area identified on the Overlay Maps in **Figure 2** and **Figure 3**.

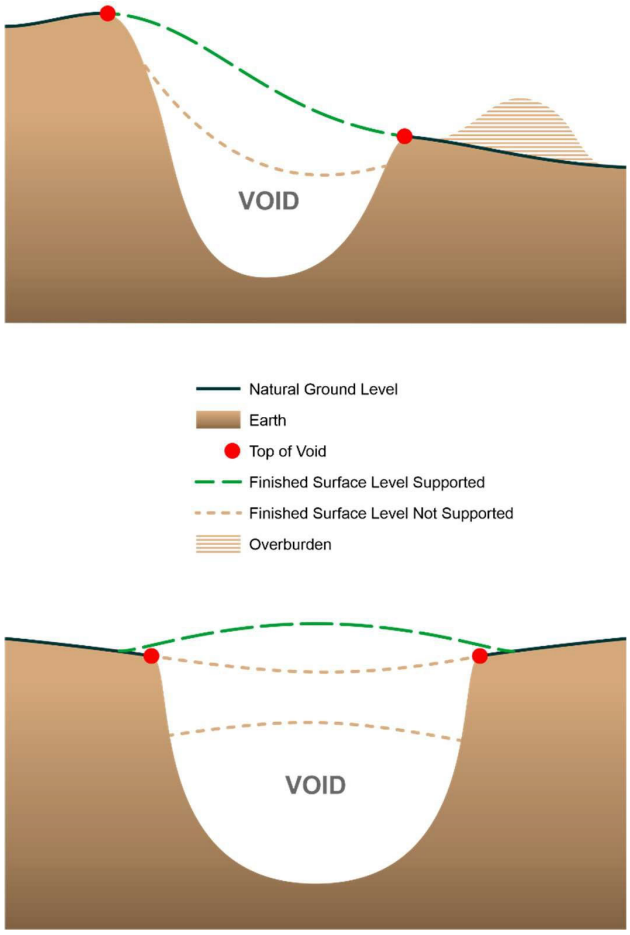
"***Regulated Buffer Area"*** means the Regulated Buffer Area identified on the Overlay Maps in **Figure 2** and **Figure 3**.

"***Restoring a void***" means the use of land to fill or partly fill any void (including a Mining Void or Former Mining Void) involving only Clean Earth.

"Resource Recovery Facility" means a facility used for any storage, sorting, collating, physical or mechanical processing or recycling of waste. The term does not include a facility for processing waste using any biological, chemical or thermal treatment or transforming process.

"Sensitive Receiving Uses" include, but are not necessarily limited to existing, approved or land zoned for residential and other sensitive receiving uses (and major events and motorsports uses).

"***Top of a Void***" means the natural ground level for the perimeter of the void which existed prior to the commencement of any mining activity, extractive industry or other significant disturbance.



*"**TLPI Boundary**"* means the regulation areas shown on the map in **Figure 1**.

"Void" means any void created from or remaining on premises after the conduct of any mining activity or extractive industry.

"***Waste Activity***" means–

(a) the use of premises for:
  (i) "Compost Manufacturing Enclosed";
  (ii) "Compost Manufacturing Unenclosed";
  (iii) "Energy from Waste Facility"
  (iv) "Landfill";
  (v) "Resource Recovery Facility".

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

Figure 1 - TLPI 01/2021
Swanbank/New Chum and Ebenezer/Willowbank/Jeebropilly Regulation Areas

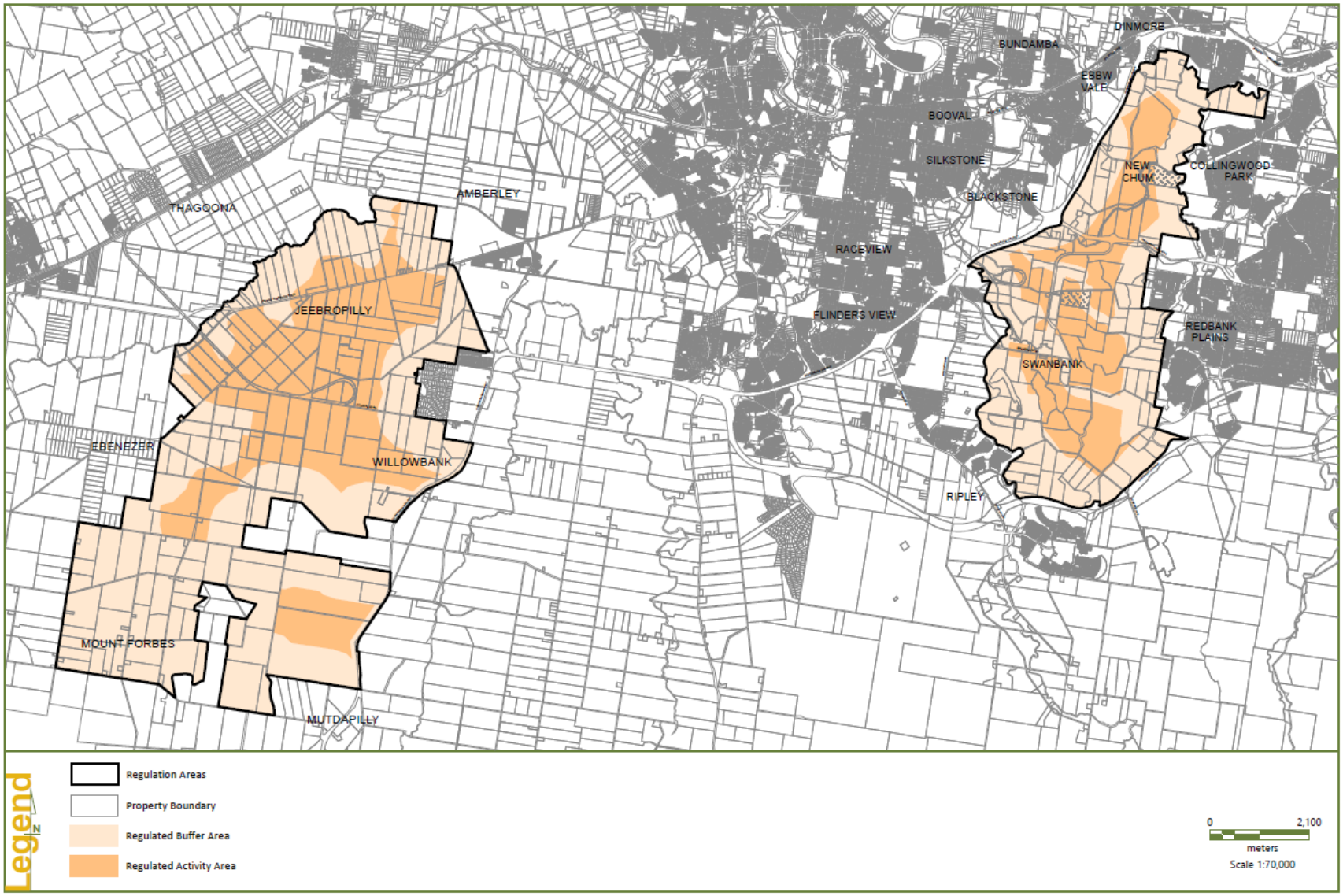


Figure 2 - TLPI 01/2021
Swanbank/New Chum Regulation Area

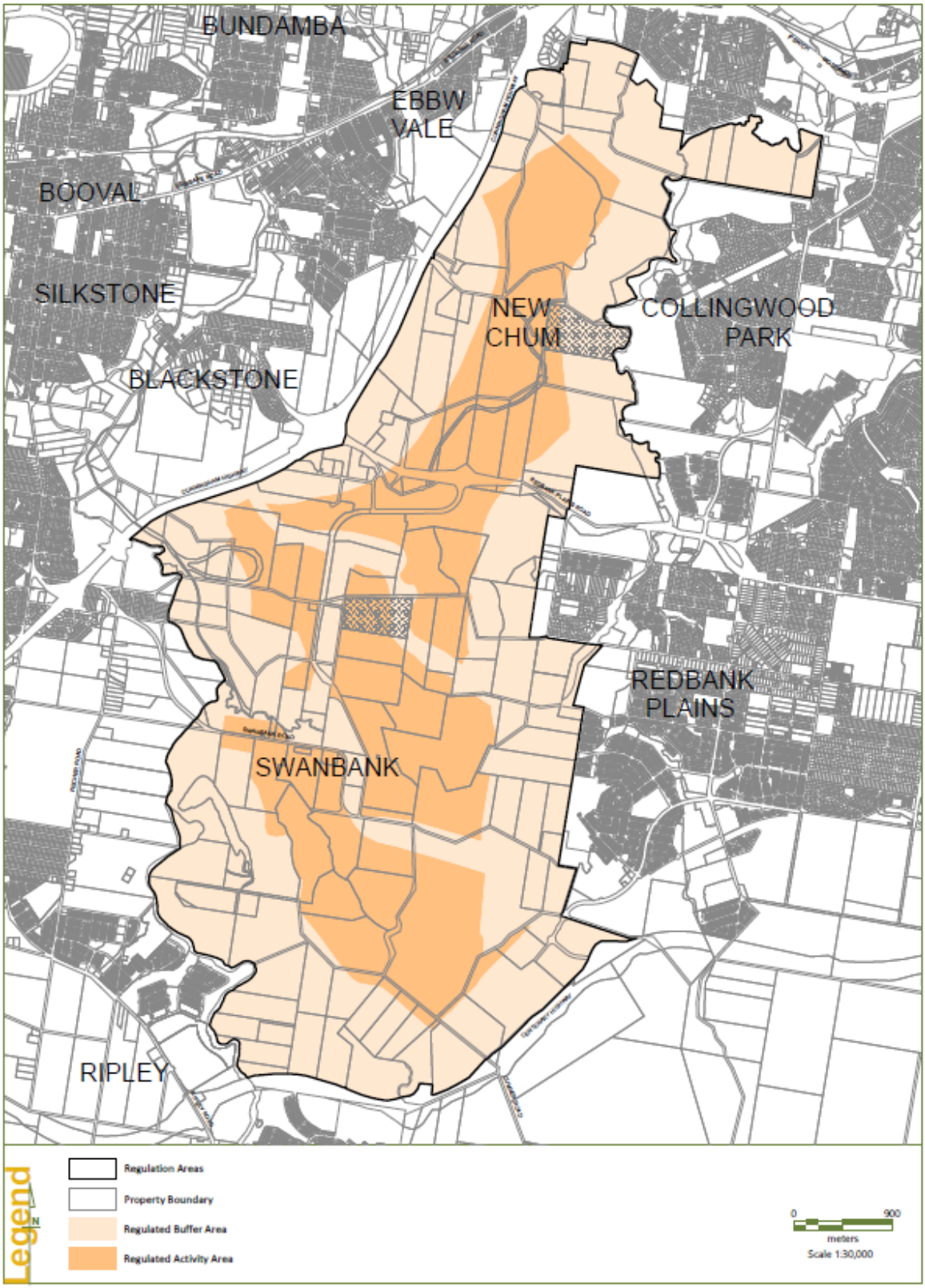


Figure 3 - TLPI 01/2021
Ebenezer/Willowbank/Jeebropilly Regulation Area