

# Draft State Planning Regulatory Provisions

## Particular Waste Management Activities on Existing Landfills

November 2011

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## **Division 1 Preliminary**

### **1.1 Short title**

- 1.1.1 These State planning regulatory provisions may be cited as the State Planning Regulatory Provisions (Particular Waste Management Activities on Existing Landfills).

### **1.1 Policy objective**

- 1.2.1 These State planning regulatory provisions are intended to facilitate consistent, proportionate and timely assessment of development in relation to lawfully operating landfills to enable them to meet their obligations in relation to waste levy and to assist in achieving the objectives of the *Waste Reduction and Recycling Act 2011* and the goals and targets of the strategy.

## **Division 2 Regulation of particular waste management activities on existing landfills**

### **2.1 Definitions**

- 2.1.1 Schedule 1 defines the meaning of particular terms used in these State planning regulatory provisions.
- 2.1.2 Terms used in these State planning regulatory provisions that are not defined in schedule 1, but are defined in the Act, Schedule 3, or the Sustainable Planning Regulation 2009, schedule 26, have the meanings given to them under those instruments.

### **2.2 Duration of these State planning regulatory provisions**

- 2.2.1 These State planning regulatory provisions expire five years after the day they take effect.

### **2.3 Development to which these State planning regulatory provisions apply**

- 2.3.1 Subject to section 2.4.1, these State planning regulatory provisions apply to development for the following purposes in relation to a lawfully operating landfill:
- Establishing or expanding weighbridges, gate houses and ancillary purposes to enable the accurate measurement and recording of waste and to calculate the waste levy liability for the facility
  - Establishing or expanding facilities for the diverting, receiving, storing, sorting, recovery, transfer, re-use, processing and recycling of waste, and ancillary purposes.
- 2.3.2 For section 2.3.1, 'development in relation to a lawfully operating landfill' means:
- development that uses existing access and egress points for the landfill, and that does not involve the establishment of new access and egress points
  - development that is not located in natural hazard management areas (flood)

- development of permanent buildings, structures or works are not located on land at risk from storm tide inundation or erosion prone areas.

## **2.4 Development to which these State planning regulatory provisions do not apply**

**2.4.1** These State planning regulatory provisions do not apply to development for the following purposes:

- permanent facilities for the crushing, milling, grinding or screening of material
- composting and soil conditioner manufacturing involving regulated waste
- metal recovery using a fragmentiser
- recycling or reprocessing any type of battery
- reconditioning metal or plastic drums or containers
- receiving and storing regulated waste other than the following regulated wastes:
  - used oil, including vegetable oils and hydrocarbon oils
  - batteries
  - treated timber
  - fluorescent tubes
  - e-waste
  - paint
  - tyres
- recycling or reprocessing regulated waste to produce saleable products
- treating regulated waste or contaminated soil to render the waste or soil non-hazardous or less hazardous
- recycling or reprocessing tyres or parts of tyres
- glass recovery using optical sorting equipment
- incinerating or thermally treating waste.

## **2.5 Relationship with local planning instruments, particular preliminary approvals, and community infrastructure designations**

**2.5.1** Subject to section 2.5.2 and 2.5.5, to the extent these State planning regulatory provisions are inconsistent with a local planning instrument, or a preliminary approval mentioned in the Act, section 242 or section 808, these State planning regulatory provisions prevail.

- 2.5.2** However, these State planning regulatory provisions are not inconsistent with a local planning instrument or preliminary approval to the extent:
- these State planning regulatory provisions state that development is assessable development, and the instrument or approval states the development is self assessable development, development requiring compliance assessment, or exempt development; or
  - these State planning regulatory provisions state that development is self assessable development, and the instrument or approval states the development is exempt development.
- 2.5.3** These State planning regulatory provisions are not inconsistent with any community infrastructure designation for premises to which these State planning regulatory provisions apply.
- 2.5.4** Nothing in these State planning regulatory provisions stops an assessment manager imposing a condition on a development approval under the Act, Section 650.
- 2.5.5** In the event that development to which section 2.6.1 of these State planning regulatory provisions applies is non-compliant with the code in section 2.8.3, the provisions of a local planning instrument or preliminary approval mentioned in the Act, section 242 or section 808 will apply.

## **2.6 Particular development in relation to lawfully operating landfill is self-assessable development**

- 2.6.1** When on a lawfully operating landfill, development for establishing or expanding weighbridges, gate houses and ancillary purposes to enable the accurate measurement and recording of waste and to calculate the waste levy liability for the facility, is self-assessable development.

## **2.7 Particular development in relation to lawfully operating landfill is assessable development requiring code assessment**

- 2.7.1** When on a lawfully operating landfill, development for establishing or expanding facilities for diverting, receiving, storing, sorting, recovering, transferring, re-using, processing and recycling waste and ancillary purposes is assessable development requiring code assessment.<sup>1</sup>

## **2.8 Code**

- 2.8.1** The following is an applicable code for development to which these State planning regulatory provisions apply.

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<sup>1</sup> These State planning regulatory provisions do not affect assessment or referral requirements under the Sustainable Planning Regulation 2009, including for example the assessment of environmentally relevant activities by the chief executive administering the *Environmental Protection Act 1994*, or the assessment of development for clearing native vegetation.

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**Development to which section 2.7.1 applies**

**2.8.2** Development for facilities for the diverting, receiving, storing, sorting, recovering, transferring, re-using, processing and recycling waste, and ancillary purposes, and any use of premises that is the natural and ordinary consequence of the development, complies with these State planning regulatory provisions if:

<b>Acceptable outcomes</b>
General
AO1 The development and use is carried out in accordance with a site development and management plan demonstrating compliance with this code.
Visual Amenity
AO2 A visual buffer, including for example deep planting, mounding or fencing, is provided and maintained between any buildings, structures, works or machinery for the development or use, and any sensitive use adjacent to the premises.
Hours of operation
AO3 For development other than for an ERA <sup>2</sup> , hours of operation are consistent with maintaining the amenity of any sensitive uses adjacent to the premises and any associated haul route.
Environmental Amenity
AO4 To the extent the development or use is not an ERA <sup>3</sup> : <ul style="list-style-type: none"> <li>(i) any noise emissions are consistent with the Environmental Protection (Noise) Policy 2008; and</li> <li>(ii) any particulate emissions are consistent the Environmental Protection (Air) Policy 2008; and</li> <li>(iii) contaminants are not released to waters, including the beds and banks of waters and groundwater; and</li> <li>(iv) lighting does not cause nuisance to local residents; and</li> <li>(v) storage areas for recovered waste are kept in a tidy condition and dangerous pests and wildlife are excluded.</li> </ul>

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<sup>2</sup> For an ERA, hours of operation are a relevant consideration by the chief executive administering the EP Act, particularly in relation to noise contamination.

<sup>3</sup> Certain ERA's have minimum thresholds, below which minor activities with little risk of environmental harm do not trigger assessment under the EP Act.

**Development to which these State planning regulatory provisions apply generally**

**2.8.3** Development to which these State planning regulatory provisions apply, and any use of premises that is the natural and ordinary consequence of the development, complies with these State planning regulatory provisions if:

<b>Acceptable outcomes</b>
<b>Access and circulation</b>
AO5.1 Vehicle access and circulation is designed to allow any vehicle to enter or leave the premises in forward gear; and  AO5.2 There is no queuing of vehicles on a public road; and  AO5.3 On-site parking is provided at the rate of:  (i) one parking space for each staff member reasonably expected to be engaged in the development or use; and  (ii) one visitor parking space, and one additional visitor parking space for each 10 employee spaces; and  AO5.4 Traffic management arrangements are in effect to facilitate separation of commercial and domestic vehicles.
<b>Site drainage and flooding</b>
AO6.1 All uncontaminated <sup>4</sup> site drainage is directed to a lawful point of discharge; and  AO6.2 Any additional runoff related to the development or use, and resulting from high runoff events is retained and treated on site; and  AO6.3 Areas for the storage of recovered waste and the storage of fuel are adequately banded.

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<sup>4</sup> Drainage containing contaminants is regulated under the EP Act.

## Schedule 1—Definitions

**Act** means the *Sustainable Planning Act 2009*.

**Ancillary purposes** for levy collection facilities include the following purposes associated with the principle purpose—

- administrative facilities
- staff facilities, including for example lunch rooms and shower facilities; and
- lighting, fencing, signage, boom gates, hard standing areas and access or egress roads.

**Ancillary purposes** for the receiving, storing, diversion, sorting, recovery, transfer, re-use, composting or recycling of waste include the following purposes associated with the principle purpose—

- the display and sale of material produced on the premises
- storage in skips and bins of recovered resources
- the storage of empty waste skips and bins
- stockpiling of recovered resources
- storage of up to 100 000 litres of fuel
- workshops, including for the maintenance and repair of earthmoving equipment and vehicles, and for constructing and maintaining waste management infrastructure used on the premises
- the manufacture of soil conditioning substances from composted waste
- a transfer station
- educational facilities
- security facilities; and
- caretakers' residences.

**ERA** means an environmentally relevant activity under the *Environmental Protection Act 1994*.

**Erosion prone areas** – see Queensland Coastal Plan.

**Lawfully operating** in relation to a landfill means:

- the landfill is an existing lawful use under the Act, chapter 9, part 1; and
- the landfill is operating, and receiving and disposing of waste; and
- there is a current registration certificate for an ERA 60 (Waste disposal) under the *Environmental Protection Act 1994* for the landfill

**Land at risk from storm tide inundation** – see Queensland Coastal Plan.

**Natural hazard management area** – see SPP 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

**Regulated waste** – see the Environmental Protection Regulation 2008, schedule 7.

**Sensitive use** means the use of premises for any of the following purposes defined in the Queensland Planning provisions:

- caretaker’s accommodation
- child care centre
- community care centre
- community residence
- community use
- dual occupancy
- dwelling house
- dwelling unit
- educational establishment
- food and drink outlet
- function facility
- funeral parlour
- health care services
- home based business
- hospital
- hostel
- market
- multiple dwelling
- non-resident workforce accommodation
- outdoor sales
- park
- place of worship
- relocatable home park
- residential care facility
- retirement facility

- shop
- shopping centre
- short-term accommodation
- showroom
- theatre
- tourist attraction
- tourist park
- veterinary services
- winery.

**Waste transfer station** means the use of premises for temporarily storing sorted waste before moving it from the premises.