

Fact Sheet

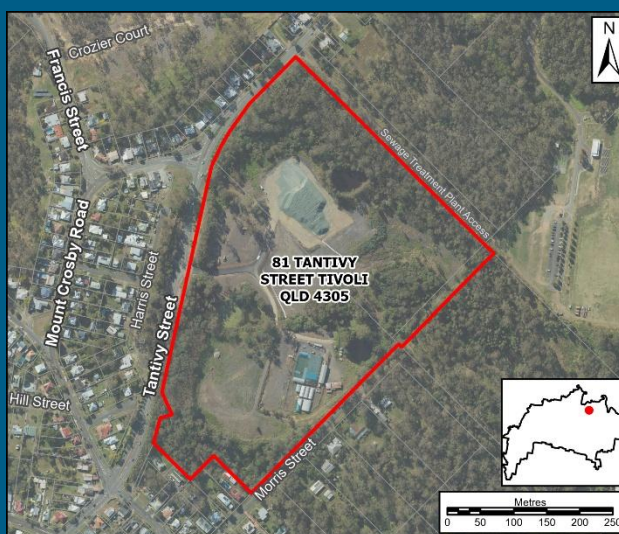
Ferronickel Slag Storage, Tivoli

Learn about the development at 81 Tantivy Street, Tivoli

File numbers:

- (a) 10157/2026/SPSR – Material Change of Use and Reconfiguring a Lot for Low Density Residential Purposes
- (b) 8475/2025/MCU – Material change of use – Warehouse (Storage and Distribution of Raw Material)

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1. What development applications have Council received in relation to 81 Tantivy Street, Tivoli?

- Application No. 8475/2025/MCU - Material Change of Use – Warehouse (Storage and Distribution of Raw Material)
- Application No. 10157/2026/SPSR - Superseded Planning Scheme Request – Material Change of Use and Reconfiguring a Lot for Low Density Residential Purposes

Documents and information relating to each application can be found on *Development.i*. To view these materials, search for the relevant application number using the 'Application Search' function.

It is important to note that these applications are entirely separate and must be considered independent of each other.

2. What is proposed as part of both of these applications?

Application 8475/2025/MCU is a proposal for the stockpiling of ferronickel slag on the premises which is transported to the site in a B Double truck. The material is then loaded by earthmoving equipment into smaller trucks for distribution to other facilities. The product is not intended to be used in any process on the site (other than stockpiling).

In addition to the proposed storage, the applicant proposes to operate a repair workshop for machinery and plant equipment.

The proposal has been made by a private developer. Details of the application are available in *Development.i*.

Separately, application 10157/2026/SPSR was a request for council to accept a superseded planning scheme request. This request sought to allow a development application to be made and assessed against the previous planning scheme. For

more information on superseded planning scheme requests, see here:

<https://edoc.ipswich.qld.gov.au/objective/download.php?id=A10473000&ext=pdf&env=iccecm&plat=pdonline>

3. Can the owner submit different types of development at the same time?

There is nothing preventing the lodgement of separate applications relating to different proposed outcomes for the same property. Each application must be assessed on its own merits against the relevant legislative and planning framework. The existence of one application does not automatically prevent another application from being lodged over the same land.

There is potential that some developers or landowners may seek multiple development approvals on the same site. In some cases, only one of these may be developed, depending on the circumstances. It is common for development applications that have been sought and obtained to not be developed, or for there to be a significant delay before development occurs.

4. It appears that the outdoor stockpiling of material is already occurring? How can it commence if there is no development approval?

Council alleges that the site has been established without first obtaining the necessary development approvals. The site has been and continues to be the subject of compliance action for an alleged unlawful use of land. The landowners response to this compliance action has been to submit the material change of use development application (8475/2025/MCU).

The submission of a development application in response to compliance action does occur regularly when an applicant seeks to legitimise the use occurring on the property.

It is important to note that the existence of stockpiled material does not necessarily mean a development approval is required or that a planning offence has occurred.

Whether approval is required depends on:

- the nature of the activity being undertaken;
- whether it constitutes a material change of use under planning legislation;
- any existing lawful use rights applying to the land;
- whether the activity is authorised under another approval or regulatory framework.

In some instances, development does occur without the appropriate approvals being in place. This is not desired and it is council's preference that approvals are sought and obtained prior to development occurring, and that any approvals are complied with in their entirety.

Council has a range of compliance powers under the *Planning Act 2016* where it considers a development offence may have occurred. These include investigation of the activity, issuing a show cause notice, issuing an enforcement notice, and commencing enforcement proceedings in the Planning and Environment Court.

5. What compliance action has been undertaken by Council?

Council has issued two Show Cause Notices for the property:

- 2 April 2025 - relating to the use of the land and earthworks undertaken without the required approvals
- 8 April 2026 – relating to building work undertaken without the required approvals.

Following compliance action, the landowner lodged a development application seeking approval for the works. The *Planning Act 2016* allows a person to lodge a development application in relation to compliance action.

While the development application is being assessed, council has paused further compliance action. Depending on the outcome of the application, council may take further action if required.

In these instances, council pauses further escalation of compliance action pending the resolution of the development application. Council may need to escalate this matter further either during the application process or upon its resolution (i.e. in the event the application is refused or approved with conditions). If further compliance action is necessary, it may include additional notices or court proceedings. Any court proceeding would take into account that a development application has been lodged and is being assessed.

6. Why can't Council remove the stockpile and/or lock the gates, stop the use or take any other similar action?

Council has limited powers under the *Planning Act 2016* to take action on unlawful activities. The Act does not permit council to enter the site to remove the stockpile, locking the operator out of the site, or take any similar action in relation to this privately owned property.

7. Are there any appeal rights for these applications?

If the development application for the material change of use is approved or a refused, both the applicant and eligible submitters that have made a properly made submission may have appeal rights.

There are no appeal rights in relation to council's decision to not accept the superseded planning scheme request.

8. When is a decision likely on the superseded planning scheme request over the property?

On 16 September 2026, council decided not to accept the superseded planning scheme request as the submitted request did not include a copy of the proposed superseded planning scheme application as required by section 11(2) of the Planning Regulation 2017 (in compliance with section 29(5) of the Planning Act 2016).

The applicant was given a reasonable amount of time to provide further detail of the proposed development application. Therefore, insufficient information was provided to enable adequate assessment of the superseded planning scheme request.

9. What does a superseded planning scheme request mean for the site?

Under the *Planning Act 2016* when a new planning scheme comes into effect, anyone can request that council apply a previous planning scheme (known as a 'superseded planning scheme') when assessing a development application.

A person may make a superseded planning scheme request within one year of the planning scheme being superseded. This can also apply in instances when a planning scheme is amended.

In this case, the request was made in relation to the 2006 Consolidated Planning Scheme, which was superseded or replaced by a new planning scheme on 1 July 2025 (the Ipswich City Plan 2025).

On 16 September 2026, council decided not to accept the superseded planning scheme request. This decision does not preclude a proposal for residential development being lodged with council in the future to be assessed on its merits against the provisions of the current planning scheme rather than a superseded planning scheme.

10. Does a superseded planning scheme request mean the development will be approved?

On 16 September 2026 council decided not to accept the superseded planning scheme request. This decision does not preclude a proposal for residential development being lodged with council for assessment in the future.

However, in the event that council did agree to the superseded planning scheme request, it does not automatically approve the development, nor is it a mechanism for determining the ultimate merits of the proposed development. It simply determines which local planning instrument (i.e. planning scheme) applies to the assessment of a future development application.

11. What information does Council consider when assessing a development application?

Council is required to undertake the assessment of a development application in accordance with relevant planning legislation and applicable assessment benchmarks contained within the planning scheme.

This application has been lodged under the *Ipswich City Plan 2025* (the City Plan), which contains codes which the applicant will need to address.

As part of this process, council has requested technical information from the applicant to help understand and assess potential impacts associated with the proposal. This includes supporting information and specialist reports relating to matters the following matters:

- Air quality
- Noise
- Soil and water quality
- Environmental impacts
- Hazards and risk management

For this application, council has received and reviewed several technical reports addressing these matters. Importantly, council has requested further information from the applicant to inform council's ongoing assessment of these matters.

A range of issues have been raised by the community in respect to the impact of the use on the environment and on human health. Council is not the lead agency on these subjects and for this reason has sought advice from other government agencies, being the Department of the Environment, Tourism, Science and Innovation (DETSI) and West Moreton Public Health Unit. The advice from these agencies is published on Development.i [here](#). The application was also required to be referred to the State Assessment Referral Agency (SARA) as the subject land is adjacent to and obtains access to and from a State controlled road. The response from SARA on the application is also published on Development.i.

12. What is ferronickel slag?

Ferronickel slag is a material that is a by-product of smelting nickel and iron. It is a dark grey material which is similar in appearance to gravel, sand or finely crushed rock. It is a waste product from the smelting process which is reused in:

- Road base and pavement construction
- Concrete aggregate

- Reclamation and fill projects
- Civil engineering works
- Abrasive blasting media

There is information in the application material about the product and its intended use, please see Development.i. As noted above, there is also advice from West Moreton Health and DETSI on the proposal and the material [here](#).

13. Has Council sought advice in relation to the health and safety of the material being stored on the premises?

Yes. While council's assessment is primarily undertaken against the City Plan, when assessing an application or considering a compliance matter, it is not unusual for council to seek advice and the like from DETSI and other third parties in the clarification of matters within their respective jurisdiction and areas of expertise.

Council has requested and received numerous supporting technical reports from the applicant through the assessment of the application including air quality, noise, environment (soil and water quality) and hazard assessments.

As part of the assessment of the application, council sought third party advice from the Department of the Environment, Tourism, Science and Innovation (DETSI) in relation to any potential health and or environmental impacts associated with the storage and/or distribution of the material as proposed by the application.

The response from DETSI concluded that that the stockpiling of ferronickel slag represents a low environmental risk, and that any risks that may exist including the release of minor amounts of dust during manual handling which can be effectively managed with basic environmental management controls. A copy of the response can be viewed [here](#). The department also indicated that Queensland Health is best placed to advise on any potential health risk of the activity.

Council subsequently, sought third party advice from West Moreton Public Health Unit (on behalf of Queensland Health) seeking comments in relation to any potential health impacts associated with the storage and/or distribution of the material as proposed by the application.

Advice was received on 24 July 2026 from West Moreton Public Health Unit that there was not sufficient information or reporting undertaken by the applicant to accurately assess the potential risk to human health by the proposed development in accordance with the Industry Activities Code of the Ipswich City Plan 2025.

Subsequently, on 24 August 2026, council issued a Further Advice letter to the applicant requesting that a Human Health Risk Assessment be prepared by a suitably qualified consultant

to evaluate site emissions, other possible sources including background levels and all relevant exposure pathways. The applicant has advised that a response to the Further Advice would be provided, however at the time of publishing this FAQ, this information has not been submitted to council for assessment purposes.

14. Community Members are raising health issues with this proposal. Why is it not an environmentally relevant activity (ERA)?

Environmentally relevant activities are a specific type of activity which is defined in the *Environmental Protection Act 1994*. These activities require specific licensing and administrative processes which are required in addition to a development approval from council. This activity is not listed in the Environmental Protection Regulation and is therefore not required to get an ERA.

Council has sought advice from the Department of the Environment, Tourism, Sport and Innovation (DETSI) in respect to the proposal and requests from the community that this should be considered to be an ERA. This correspondence is published in Development.i.

More information on ERA's can be found [here](#).

15. Given that there was a significant number of submissions (230), who is responsible for deciding the development application? Is the application process going to involve an independent review?

In accordance with Council's Framework for Development Applications and Related Activities Policy, the application has been determined to constitute a Sensitive Development Matter and therefore will be subject to the Independent Decision Review Panel Procedure and a decision by Council. In this instance, an Independent Decision Review will consist of a review of the recommendation by a Town Planning Expert prior to the matter being presented to a committee and Council meeting for determination.

This matter is not being referred to a public hearing.

Once any decision is made, both the applicant and any eligible submitters which have made a properly made submission will have appeal rights in accordance with the *Planning Act 2016*.

What's next:

1. Further information: Council officers are waiting the submission of further information from the applicant on this development proposal.
2. Officers Complete Assessment: Once this information is provided, Council officers will prepare a recommendation. This recommendation will include

consideration of all relevant material, including submissions made by the community.

3. Independent Decision Review: Owing to the number of submissions received for this development application, an independent decision review will be convened to review the recommendation of the officers. A public hearing will not be held for this development application.
4. Recommendation of Officers to Committee and Council: Upon completion of the above steps, the recommendation along with the findings of the Independent Decision Review will be progressed to the Infrastructure, Planning and Assets committee and Full Council for a determination of the application.

This process is expected to take several months, depending on the timeline for step 1.

16. Where do I get more information?

The application material associated with this application can be found [here](#). There is a substantial volume of technical material provided by the applicant and there are a series of information requests that Council officers have sent to the applicant to address.

[To seek more information from Council on the application, please email \[HERE\]\(#\).](#)

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