



Monday, 14 December 2015

Scheduled Premises Regulations Review  
c/o Policy and Regulation Unit  
EPA Victoria

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Comments from the Victorian Waste Management Association

To whom it may concern

Thankyou for the opportunity to comment on the *Scheduled Premises Regulations Review Discussion paper* Publication 1613.

Unfortunately, due to the significant number of requests for stakeholder input into recent environmental policy documents, the VWMA has found it difficult to provide detailed feedback on these requests. We apologise in advance for the brevity of our response and note that it will be confined to the waste industry, specifically 4.1.3 "*Amenity impacts and risks to human health from the use of new or emerging technologies and industrial practices.*"

It is arguable that transfer stations represent new or emerging technologies – admittedly it is a broad term but they are predominantly spaces with transport and people moving around them and buildings housing mechanical sorting or separating equipment which may be "new" or evolving. They have been in existence for decades, often provided by Councils for residents to drop off waste materials that are then diverted from landfill.

The definition or the intent of scheduled premises regulations as highlighted early in the discussion paper is "focusing requirements on those activities with a higher risk of harm to the environment and/or human health". The examples quoted in the paper bulk material handling, waste recovery processes and waste material consolidation points (page 5) in our view do not meet this definition.

The key issue for transfer stations has been identified in the paper as being appropriate location and properly managed, ie a planning issue first and foremost.

It is our view that imposing costly requirements on transfer stations (as opposed to treatment facilities) is not in the best interests of the waste industry or the community. It could lead to a perverse outcome of waste that might have been recycled being sent to landfill because of the costs of establishment and ongoing compliance costs are more expensive than landfilling the material.

The issue for the VWMA is that the planning framework around what constitutes a recycling facility (or where recycling activity is occurring) is poorly understood and poorly

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managed by the responsible authority (usually local government). This enables situations like the storing of tyres and timber over long periods – that then do create potentially hazardous situations to develop.

The VWMA does believe that a level playing field in the transfer station/ resource recovery sector needs to be developed to ensure that all operators meet best practice as highlighted in Sustainability Victoria's Guidelines for Resource Recovery Centres.

Perhaps it might be through the creation of better planning tools and a compliance regime that can be executed quickly against businesses that take advantage of the lack of ability by both local government and the EPA to act when it has been poorly managed.

As per the Worksafe model, irrespective of the size of the business, Worksafe can address OH&S on any scale through compliance. This we believe is the sort of approach that should be adopted by both Local Government and the EPA. Works Approvals and licensing of premises are in our view, not going to address the fundamental issues of appropriate siting of premises and ongoing management of the activity. Nor is it going to stop opportunistic operators from setting up, operating an activity until it comes to the attention of the authorities after which it gets abandoned.

A common complaint against the EPA is that they only focus on those facilities or business that have a licence and everyone else is under the radar. With the EPA having reduced the number of licences progressively over the years, to increase substantially numbers of licences again is likely to prove administratively challenging.

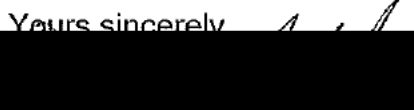
The other issue often raised in the issuing of Works Approvals is the time taken in the assessment and issuing. The VWMA does not support a process that is not risk based but drags out applications that bear no responsibility to the time taken to make decisions.

The VWMA is also not in favour of increasing the EPA's legislative responsibilities when its current resources are unable to manage its existing workload.

The VWMA believes that the EPA currently has sufficient enforcement (and compliance) powers to address the proper management of transfer stations and that this should be used more to address any issues (such as the Somerton stockpiling of timber). We believe that the Inquiry into the EPA currently considering public input will focus on the EPA's enforcement/compliance role – and its role in planning.

In summary, the VWMA believes that trying to extend scheduled premises regulations with all its attendant compliance costs to the resource recovery sector is not going to achieve better environmental and human protection outcomes but instead lead to increased costs for those business that operate legitimately and not address the opportunistic operators who come and go in the industry.

Yours sincerely



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