



## **Association of Victorian Regional Waste Management Groups EPA Statutory Policy Review Submission**

### **Background**

The Association of Victorian Regional Waste Management Groups, (AVRWMG) is a Victorian Association of 1 Metropolitan and 12 Regional Waste Management Groups that provides a forum for Waste Management Groups to meet and discuss waste management related issues.

The Association supports the EPA Statutory Policy Review. The review provides an opportunity to ensure the planning and delivery of resource recovery facilities for Victoria is supported and underpinned by a sound statutory policy system. AVRWMG is aware that individual member Regional Waste Management Groups are responding to the review and supports these submission particularly the submission of Metropolitan Waste Management Group (MWMG).

The same drivers of population growth that are presenting the State with new challenges for planning and the direction of this growth are also driving changes and new challenges in the waste sector. Victorians continue to produce increasing amounts of wastes each year. Waste generated in Victoria increased from approximately 7.4 million tonnes in 2000-01 to approximately 10.3 million tonnes in 2008. This represents a growth of approximately 2.9 million tonnes over the period or an increase of 4.1% per annum. EPA statutory policies around waste must understand and address this ever increasing volume and demand for waste and resource recovery treatment and disposal options across the State.

### **Standards**

There is confusion around standards, which results in a conservative approach being undertaken in assessing proposals and guidelines for new technologies. Rather there should be the opportunity for the proponent to provide a risk assessment to allow innovation and seek approval for new technology solutions.

The current works approval assessment is based on the assessment of worse case however it is submitted that the business as usual case should be the assessment benchmark with consideration to risk mitigation. The risk assessments should be peer reviewed by independent consultants.



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Key issues in relation to standards include:

- Uncertainty increases risk and barriers to economic growth and bankability of projects. This is particularly the case for long term contracts ie Local Government require certainty for the end market uses of unsorted Organics to negotiate long term Alternate Resource Recovery and Treatment Facility processing contracts.
- Inconsistency across state and international standards provides confusion for proponents wishing to tender in Victoria that are located interstate or overseas.
- Need to provide clearer obligations and expectations for industry as uncertainty in advice from EPA officers leads to further confusion and a reduction of confidence in investing in Victoria. Consolidation of SEPP would provide some clarity

### **Best practice guidelines**

BPEM Guidelines and policies should:

- Define clear and inspirational goals
- Enable proponents to provide analysis on net environmental gain.
- Provide the EPA with a tool for the setting of objectives and outcomes for environmental policy for Victoria.
- Policies need connectivity and referral to specific best practice guidelines

### **Roles and responsibility of agencies**

EPA should provide accountability for attainment and targets of SEPP's and ensure the SEPP's are maintained and up to date i.e. if VCAT decisions are made then SEPP needs to be improved and updated in a timely manner.

SEPP's should provide guidance of what standards are to be achieved and there is a need for councils to reflect these standards and place these into council planning and decision making processes.

Roles and responsibility of various agencies require clarifying ie the implementation of household asbestos program has highlighted the need for clarity of roles and responsibility of Department of Health (health advice) Sustainability Victoria (co-ordination of state solid waste programs) and EPA (management of prescribed waste) and local government (community service provision).



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AVRWMG and member rural Councils involved in waste planning collection and disposal needs flexibility and resourcing to respond to arising operational issues and new technologies. There needs to be recognition that councils do not have the technical environmental skills of EPA and thus support for a regionalisation of approach would be of benefit. Local Government and the community look to the EPA to resolve conflicts when they arise. EPA must look at emerging technologies and be proactive not reactive. EPA must better monitor and evaluate the waste scene and ensure there is a policy framework to capture change in place before pressures for change becomes critical and politicised and communities polarised against change of any kind and only see closure of facilities as a solution.

If the EPA is to be a regulator then there is a strong argument that it should not be a funding agency.

### **Reducing barriers to investment**

Local Government requires a clear policy position on end-market use for organics as they are required to enter into 20 year contracts and make 20 year investment decisions. Companies wishing to provide investment in new Alternate Resource Recovery Facilities and Landfill sites require faster decision making for policy clarification and works approvals that, historically in some cases, have taken several years.

Use of non commercial compost for farming provides a market and an organics management opportunity for Victoria that may offer local cost effective solutions for management of clean household organics. On-farm non commercial composting policies should be amended to encourage this practice. It is suggested that the policy be amended for the need for a works approval from the current 100 tonnes per month per farm to 6 tonnes per Ha subject to no compost being sold and compost being totally for the farm use. This would better reflect the size of the farm and the need for on farm soil improvement from composting use.

Planning and EPA buffers provide barriers to commercial composting in Rural Victoria. Current EPA buffer distances for open windrow composting facilities receiving 15,000 - 20,000 TPA of municipal organics require buffer distances in excess of 1,000m to residences and land zoned for sensitive use. Whilst this is a realistic requirement, it becomes impossible to locate a commercial composting site as it is a prohibited use under most land zonings.



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Commercial composting is an allowable use under Industrial land zonings and some Special Use zonings. In Europe composting is considered a legitimate rural activity and subject to permit conditions, State Planning Laws should be amended to recognise this. This highlights that there are two State agencies acting separately to govern an activity and there is a need for better co-ordination to encourage opportunity for commercial composting on farming where buffers are available subject to local planning and EPA works approval conditions being met.

Contaminated land clean up provisions – currently EPA reserves right to further clean up even after a cleanup of land has occurred and thus a need for finality of decision to be made clear –Possible links to section 32 or statement on land title could be explored to ensure future owners are aware of their obligations and risks in purchase of the land.

The current need for site environmental assessments for land within a 500m buffer of a disused landfill site that only is actioned when a planning permit is required is inconsistent. Currently if a building permit is only required for construction of the same footprint on the same land then no assessment is required. The cost of these assessments is up to \$30,000. The landfill site owner should be made to provide risk assessment of the disused site and the outcomes should form part of the post closure plan and obligations.

### **Increase clarity for obligations of industry**

Policy that impacts on industry should be developed in consultation with industry with rationalisation towards a one stop for obligations.

EPA should use collaborative approaches in the first instant, with regulation and penalties in the background and should prioritise actions by tackling the large industry polluters.

Policy should harmonise with other states to achieve National standards in SEPP as we need to improve consistency with other states and international standards if we wish to attract innovative solution and encourage investment in Victoria.



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SEPP review needs to include research of international and national standard, including an understanding of the rationale for decisions and SEPP could be improved though use of case studies and better definitions of beneficial use are required. These amendments need to be fast track to be responsive to industry and investment needs

### **Buffer Distances Defined and Protected**

The protection of existing and proposed resource recovery facilities and their existing buffers from the encroachment of sensitive land uses is a key challenge facing the waste sector and it is a key expectation of the community that their amenity is protected from the offsite effects of waste and resource recovery facilities. EPA statutory policies together with planning policies have the capacity to ensure this occurs.

A key Challenge for AVRWMG member Councils' is to find, identify and nominate sites for future waste infrastructure and facilities. Maintenance of appropriate buffer distances to sensitive uses is essential. AVRWMG supports the MWMG submission in proposing through the DPCD "Review of the Victorian Planning System", the introduction into the Victoria Planning Provisions of an overlay (similar to airports/ wildfire management). This may be one way to ensure communities are aware of where these sites are and have been planned. To achieve this EPA Statutory policies need to define buffers for all resource recovery uses including landfills, Organic composting, ARRT's and EfW facilities. MWMG seeks EPA's consideration and support for this approach.

AVRWMG is aware that MWMG and EPA have also had discussions with DPCD with respect to zoning constraints that limit the capacity to find and locate facilities in regional areas closer to markets on sites with the potential for significantly greater buffers from sensitive uses in farming zones. AVRWMG supports MWMG's proposal to incorporate changes to the Farming Zone provisions to allow planning applications to be made for composting and resource recovery facilities and these applications to be assessed on their merits.

Please feel free to contact Mr. Philip Clingin, secretary of the AVRWMG, for further information.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Enzo Bruscella', written in a cursive style.

**ENZO BRUSCELLA**

Executive Officer, Barwon Regional Waste Management Group  
Delegated Member, Association of Victorian Regional Waste Management Groups