

Background

The Metropolitan Waste Management Group (MWMG) is a Victorian state agency, established on 1 October 2006 under the Victorian *Environment Protection (Amendment) Act 2006*. It is the successor in law to four former Regional Waste Management Groups.

In general terms, MWMG is responsible for coordinating municipal waste management activities in Melbourne on behalf of the 30 metropolitan Councils it represents. Among other things, this function involves:

- advising metropolitan councils on best practices in municipal waste management and resource efficiency
- entering into and managing contracts and arrangements to develop and facilitate waste management services for metropolitan councils
- assessing the need for, and planning for, municipal waste management infrastructure and landfills in metropolitan Melbourne

The Metropolitan Waste Management Group (MWMG) supports the EPA Statutory Policy Review. The review provides an opportunity to ensure the planning and delivery of resource recovery facilities for metropolitan Melbourne is supported and underpinned by a sound statutory policy system. There are currently a number of State Government reviews that will need to be considered by the EPA including the Ministerial Advisory Committee's "Review of the Victorian Planning System". This review will "advise ways of improving the planning system, including the legislative base, the structure of planning schemes, including the structure of state and regional policy provisions, as well as regulations under the Planning and Environment Act 1987 and other relevant legislation".

Changes proposed by EPA as part of this review and its concurrent 508 review of "Buffer Distances for Composting Facilities", will need to be reflected in revisions to the Victoria Planning Provisions (VPP's) and State Planning Policy Framework (SPPF) where EPA policies and buffer distances are referenced.

State strategy and policy for the waste and resource recovery sector is also being reviewed. DSE is conducting the Victorian Waste Policy Review in consultation with other agencies. SV is conducting an internal review in addition to the completed performance audit by VAGO: *Management of Municipal Solid Waste* in June 2011. The best outcome for the waste sector and for the EPA Statutory Policy Review is that the statutory policy objectives falling out of all these State Government reviews across the environment and planning portfolio are integrated and appropriately cross referenced where necessary.

In the waste space it is critical that the range of policy reviews have a high level of internal consistency particularly around their fundamental objectives and strategies. The reviews involving the planning systems and planning policy frameworks, SPPF policies, Local policies, advisory and planning practice notes and guides, waste strategies (Towards Zero Waste Strategy), the review of the *Metropolitan Waste and Resource Recovery Strategic Plan March 2009*. (MWRRRSP), review of all *State Environment Protection Policies* (SEPP's) and 8 *Waste Management Policies* (WPM's) and *VPP's* all need to be cross referenced.

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. Metropolitan Melbourne accounts for over 2/3 of this waste. (In excess of 7 million tonnes). EPA statutory policies around waste must address this ever increasing volume and demand for waste and resource recovery treatment and disposal options.

Supporting the Existing System

MWMG believes that many existing elements of the regulatory system work well and do not need to be changed. The high level architecture of EP Act, SEPP, Waste Management Policy BPEM's and Australian standards have a logical consistency and flow. They define enduring environmental principles that are set in law, that are scientifically based and are set out so as to be easy to follow. Any changes need to retain this clarity around objectives and acknowledge Victoria's legislative framework is unique. MWMG therefore supports model 1 — make minor changes to streamline statutory policy as outlined in the discussion paper.

With the basic architecture of the statutory policy system sustainable and working well focus needs to be given to supporting the robust integration of Acts, Strategies, Policies and Regulations across State and Local Governments. The key to successfully integrating allied acts and policies is maintaining an open dialog across State portfolios and Local Government particularly at this time when so many varying elements are being reviewed. EPA should strive to ensure user friendliness by continuous improvement in policies and regulation, making them easier to read and use, in plain English, web based and accessible. This includes timely and regular reviews, noting that many of the statutory policies have not been revised since they were first created. Any changes need to be broadly consulted across all stakeholders to ensure there are no unintended outcomes.

What is needed in greater transparency in the decisions made by EPA across statutory policies. This will improve, retain and provide the rationale for the scientific basis of objectives and standards. Currently transparency is lacking. EPA needs to communicate how policies, standards, requirements, distances, numbers etc. are developed and supporting documentation needs to be released on how EPA is interpreting and enacting these controls in their decisions around works approvals and licences.

There is also the need for flexibility in the face of significant changes to technology and processes across the waste space. EPA needs an ability to consider local variations of standards based on new and emerging technologies, science and risk.

Buffer set, 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 MWMG and Councils is to find, identify and nominate sites for future waste infrastructure and facilities. Maintenance of appropriate buffer distances to sensitive uses is essential. EPA is yet to define and map buffer distances for each of Melbourne's landfills and resource recovery facilities and this needs to be a priority. Across Melbourne significant EPA regulatory and community engagement resources are being committed to odour and amenity concerns of communities adjoining these facilities.

MWMG is 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.

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. MWMG has proposed changes to the farming zone provisions to allow planning applications to be made for resource recovery facilities. This approach has also been supported by Regional Waste Management Groups and should be considered and supported by EPA.

New technology and policy response needs

Acceleration in technology and processing options in the waste space has not been matched by EPA in the policy and regulatory space. It has been know and promoted for many years that new technology is needed for the treatment and disposal of the States waste. EPA, MWMG, and other Government agencies in the waste space needs flexibility and resourcing to respond to arising operational issues and new technologies.

Local Government and the community look to the EPA to resolve these 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.

EPA's strong compliance and enforcement program in the waste and composting space needs to be mirrored by a clearer understanding of the operational limitations on waste and resource recovery industries and the impacts on ad hoc changes to volumes and processing times that render operations ineffective. Organics is collected daily from residential properties across Melbourne and EPA enforcement requirements to stop delivery need to understand the time and contractual limitation to do this. Land filling organics does greater harm to the environment in the long term than short term gains to restrict product delivery to sites where the product being delivered is not odourous. Risk assessment and environmental cost benefit skills need to be better developed by EPA in consultation with the Industry to better understand technical and operational issues around waste and resource recovery businesses.

MWMG, with Local Governments in the north east of Melbourne, has already tendered for new technology to address organics processing with planning permission obtained. A tender for similar opportunities in the South East is planned for 2011/12. MWMG is also working with Vic Urban, GAA and Cardinia Shire on tri generation opportunities for waste facilities in the Officer Precinct Structure Plan and will likely seek tenders for this facility late 2011. Melbourne Water in July 2011 released an EOI for two biosolid treatment facilities in Wyndham and Carrum.

The EPA is aware that forward planning for new facilities is occurring now and whilst the release of part of the Review of 508 is applauded further background on the data sources and rationale for distances proposed needs to be released at the same time for the sector to be able to understand and respond accordingly. Regulations around the application to land of biosolids are yet to be formulated and released. Innovation is not being captured and enabled by the EPA. Clearly the triggers within the EPA for revisions and new guidelines and policies are lagging and slow to adapt. They are well behind advances in technology and foreseeable need. This results in costly delays for industries and great uncertainty leading into tender processes around EPA approval requirements. If guidelines and policy are to continue to be developed from a scientific base then EPA needs to improve and develop its capacity in this area particularly around new and emerging waste technologies and processes.

Industry is maintaining that EPA appears isolated from them and must be more engaged in what is happening around new technologies across the waste sector and be flexible to respond quickly to detail a process for how EPA will deal with new facilities and what are the acceptable standards for the consideration of new and emerging waste technologies. The statutory policy framework and EPA decision making needs to operate in a way that gives surety to industry to invest in the waste and resource recovery sector. New technologies and best practice waste management processes requires industry to make significant capital investment in facilities with long term contracts of at least 15 years with modest returns on investment.

The planning system has the ability to build up practice and case knowledge through the use of Planning Advisory Notes and Planning Practice notes. The EPA Statutory system would benefit from this practice with the development of "Environment Advisory and Practice Notes" that can set out decisions, approval processes and application of standards information for specific industries. In the planning system DPCD has produced two advisory notes (27 and 28 that impact waste policy that are worth examining.