Industry

Position Statement

Waste depots and the South Australian planning system

Issued October 2016

EPA 1096/16: This position statement will assist planning authorities and proponents of development understand the position of the Environment Protection Authority (EPA) on waste depots in relation to the South Australian planning system.

Introduction

This statement describes how waste depots[1] are to be addressed at each stage of the South Australian planning system to ensure the requirements of the *Environment Protection Act 1993* (EP Act), *Environment Protection (Air Quality) Policy 2016* (Air Policy), *Environment Protection (Noise) Policy 2007* (Noise Policy) and *Environment Protection (Waste to Resources) Policy 2010* (Waste Policy) are met.

It will also inform the responses of the EPA to the assessment of waste depots at the various stages of the South Australian planning system.

This position statement is not legally binding and cannot be used to alter, broaden or narrow the exercise of the EPA's functions and powers.

Waste management in South Australia

More than 400 licences are held under the EP Act for waste or resource recycling activities, comprising a mix of waste transfer, waste disposal (eg landfills and incineration) and resource recovery activities. There are also about 650 waste transporter licences held under the EP Act. Some sites have co-located resource recovery or waste treatment facilities and landfill disposal activities.

The total waste generated in South Australia has increased significantly since 2003–04, and is expected to continue growing through increased waste per capita generation and population growth. Increased densities of residential living may also result in increased waste disposal if recycling facilities are not provided in medium and high rise residential buildings. Some 3.32 million tonnes of waste were produced in South Australia in 2003–04 rising to 4.5 million tonnes in 2013–14 (an increase of 36%).

1 Depot means a landfill depot, material recovery facility, transfer station or composting depot as defined in the Waste Policy. For the purposes of this position statement, depot also refers to waste-related activities in Schedule 22 of the *Development Regulations 2008* such as scrap metal recovery, incineration, waste or recycling depot, waste transport business and composting works.

The scale of resource recovery has increased markedly in recent years—from around 2.04 million tonnes in 2003–04 to over 3.59 million tonnes in 2013–14 (an increase of 75%). The volume of waste disposed to landfill over the same period has decreased by nearly 30%[2].

Despite the growth in resource recovery activity in recent years, the *State of the Environment Report 2013* notes that, 'materials recovery infrastructure in the Adelaide metropolitan area is ageing and in need of modernisation and refurbishment. New technologies make it more efficient to sort materials and reduce contamination of recycled materials[3].

The Waste Policy is a regulatory tool for South Australian industry and government to better manage waste, with specific requirements for suitable waste from metropolitan Adelaide to be subject to resource recovery processes and prohibiting the disposal of certain waste to landfill. It also aims to achieve sustainable waste management by applying the *waste management hierarchy*[4] consistently with the principles of ecologically sustainable development set out in objects of the EP Act. At its core, 'waste to resources' is an approach that involves waste minimisation and the consideration of wastes as potential resources in preference to disposal.

Waste management has shifted from historical reliance on landfills as the primary method of waste disposal to a focus on waste avoidance and reuse. The waste management hierarchy is recognised internationally as an aspirational framework for sustainability and underpins *South Australia's Waste Strategy 2015–2020* (2015). Recognising that there are instances where waste cannot be avoided the waste management hierarchy provides a framework to maximise the useful life of materials.

Focus areas

The South Australian planning system affords a first opportunity to address issues associated with waste depots. Many people may only associate waste depots with disposal, however, the waste industry is a multi-faceted industry, and as such, the EPA performs a number of roles through the planning system, such as:

- ensuring operating waste depots are protected from encroachment by sensitive land uses
- protecting existing sensitive land uses and the environment from the adverse impacts often generated by waste depots (such as odour, dust, noise, litter, vermin and leachate)
- advising planning authorities on potential landfill gas risks (associated with closed[5], operational and future designated landfill areas)
- assessing the adequacy of environmental management measures associated with expanding or new waste depots and activities which produce listed wastes
- ensuring building design, industrial process engineering, pollution control measures and construction management associated with referred activities have regard to the waste management hierarchy to avoid waste generation and ultimately prevent or minimise environmental harm.

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2 All waste statistics are derived from *South Australia's recycling activity survey 2013–14 financial year report* (2015) prepared by Rawtec Pty Ltd for Green Industries SA

3 State of the Environment Report 2013, pg 48

4 Waste management hierarchy, as described in the *Zero Waste SA Act 2004*, refers to an order of priority for the management of waste, being: avoidance of the production of waste, minimisation of the production of waste, reuse of waste, recycling of waste, recovery of energy and other resources from waste, treatment of waste to reduce potentially degrading impacts, and disposal of waste in an environmentally sound manner.

5 A closed landfill is one at which waste is no longer being disposed. A closed landfill may still be licensed by the EPA and be subject to a closure or post-closure plan to ensure the long-term protection of human health and the environment, including management of any leachate and landfill gas. Some closed landfills may have been licensed under a previous regulatory regime and may have closed many years ago; these are sometimes called a historical landfill.

Addressing waste depots at each stage of the South Australian planning system

The major components of the South Australian planning system — Planning Strategy, Development Plan, development application, and major development or project — are interconnected and the system is regulated through the *Development Act 1993* and the *Development Regulations 2008*.

Within this framework the EPA provides advice on proposed changes to the Planning Strategy and Development Plans, and assesses referred development applications, and major development or project applications.

Potential interface impacts associated with waste depots need to be assessed and addressed in any proposed changes to the major components of the South Australian planning system to ensure that sensitive land uses will not be exposed to unacceptable impacts in the form of odour, dust, noise, litter, vermin, leachate or landfill gas. In addition, environmental management measures associated with waste depots, and other referred activities, seek to avoid environmental harm through the consistent application of the waste management hierarchy.

South Australian Planning Strategy

At this stage the EPA will have an interest in the location of land identified for future development and its proximity to operating, closed and proposed waste depots.

When an amendment to the Planning Strategy is prepared it is the EPA's position that:

- principles and policies that reference the waste management hierarchy are included to enable further consideration and expansion of those principles and policies in other levels of the planning system.
- urban and township expansion areas or key growth areas[6] will not create land-use conflicts through exposure of sensitive land uses[7] to unacceptable noise and air emissions from operating or proposed waste depots.
- risks from landfill gas (from closed and operating landfills) are considered early in the strategic land-use stage to enable the potential for appropriate buffers or policy response to be identified where appropriate.
- principles and policies that reference the requirement to plan for future waste infrastructure (for example transfer stations, material recovery facilities, composting facilities, contaminated soil remediation and storage facilities, energy from waste facilities and other potential green industries[8] that may emerge from the waste sector) are included to enable further consideration and expansion of those principles and policies in other levels of the planning system.

Development Plan Amendment

At the Development Plan Amendment (DPA) stage the EPA has an interest in proposed changes to planning policy or rezoning of land, such as rezoning land to residential adjacent to a zone containing a waste depot (which could result in land-use conflicts through exposure to unacceptable noise and odour), or a re-zoning near a closed landfill site (which may pose risk of landfill gas intrusion).

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6 Includes those identified as urban and township expansion areas within *The 30-Year Plan for Greater Adelaide*, or identified as key growth areas in *Plans for Regional South Australia*

7 Sensitive land uses include, but are not limited to, residential housing, childcare centres, educational institutions, hospitals, nursing homes and retirement villages, parklands and recreation areas, tourism accommodation. Industrial and commercial premises can also be affected by noise and air emissions. Please refer to *Evaluation distances for effective air quality and noise management* (2016).

8 Green industries are primarily concerned with the supply of energy from renewable sources such as wind, solar, water and waste.

When a DPA is prepared it is the EPA's position that:

- the Statement of Intent (SOI) proposes to investigate:
  - application of the waste management hierarchy to management of any waste produced through the proposed development
  - any potential interface issues associated with waste depots; if not the EPA will recommend additional investigations that should be undertaken
  - any potential landfill gas risks where development potential is created within 500 m of an operating or closed landfill. The EPA may require a landfill gas risk assessment in accordance with *Landfill gas and development near landfills-advice for planning authorities and developers* (2012)
- the DPA proposes policy for inclusion in the development plan, or there is existing policy in the development plan that:
  - references the waste management hierarchy
  - addresses any interface or landfill gas issues associated with waste depots
  - avoids or mitigates adverse effects of waste activities, including on-site waste management
  - provide for necessary waste management infrastructure to be incorporated into development, where relevant.

Development application and major development or project

At the development application or major development or project stage the interest of the EPA is to assess waste management measures associated with referred activities, and land-use conflicts between waste depots (including landfill gas risks) and sensitive land uses, to reduce the risk to human health and the environment.

The EPA will examine whether the proposal would meet the requirements of the EP Act, including those of the Waste Policy and the general environmental duty, and would be consistent with relevant guidelines.

In accordance with Division 2 – Major developments or projects of the *Development Act 1993* the environmental impact statement, public environmental report, or development report for a proposed major development or project must include a statement of the extent to which the expected effects of the development or project are consistent with the general environmental duty and objects of the EP Act and the requirements of the Waste Policy if it involves, or is for the purpose of, a prescribed activity of environmental significance as defined by the EP Act.

When a development application and any major development or project is prepared it is the EPA's position that:

- the waste management hierarchy be used to guide decisions on proposed development to avoid waste generation and ultimately prevent or minimise environmental harm.
- expanding or new waste depots have appropriate design, construction and operational environmental management measures (and if required closure requirements), as required by or under the EP Act or as outlined in the relevant guidelines and codes of practice referenced in the Waste Policy, to avoid and minimise environmental harm and off-site impacts.
- proposed sensitive land uses not impact on operating waste depots, and existing sensitive land uses be protected from the adverse impacts generated by waste depots (such as odour, dust, noise and litter). This could be achieved by:
  - demonstrating that the proposed development would be able to achieve the separation distance recommended by the EPA's *Evaluation distances for effective air quality and noise management* (2016) or Evaluation distances guideline; or
  - providing an environmental noise assessment in the form of an acoustic report that demonstrates that the Noise Policy, the general environmental duty, relevant Australian Standards, or World Health Organization *Guidelines*

for community noise (1999) would be able to be achieved, and/or, in the case of a potential amenity odour impact, the proponent will need to demonstrate that odour criteria identified in the Air Policy can be met[9].

  - There may be certain circumstances in which the proposed development would be able to achieve the separation distance recommended by the Evaluation distances guideline, but due to the scale of the waste depot or the offensive nature of the waste to be managed on-site, it may be necessary for a noise or odour assessment to be prepared.

- land is suitable for use having regard to the potential landfill gas risks:
  - If a development is proposed within 500 m of an operating or closed landfill the EPA may require a landfill gas risk assessment in accordance with *Landfill gas and development near landfills-advice for planning authorities and developers* (2012).
- best available technology economically achievable is implemented through appropriate building design, industrial process engineering, pollution control measures and construction management to avoid waste generation, maximise recovery of materials, and minimise adverse impacts such as odour, dust, noise, litter and leachate.
- activities that produce listed wastes have documented management responses for waste storage, transport and disposal (including a detailed description of individual waste streams) and comply with any relevant obligations detailed in the Waste Policy.

Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

Further information

Legislation

Online legislation is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet
Adelaide Service SA Centre
108 North Terrace
Adelaide SA 5000

Telephone: 13 23 24
Facsimile: (08) 8204 1909
Website: <shop.service.sa.gov.au>
Email: <ServiceSAcustomerservice@sa.gov.au>

[9] Further information can be found in *Ambient air quality assessment* (2016)

General information

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