

# **Environment Protection (Waste to Resources) Policy 2010 Guidelines on approvals for resource recovery facilities under clauses 11(6) and 12(6) of the Policy**

Issued August 2012

*EPA976/12: The Environment Protection Authority will assess whether to grant approvals under clauses 11(6) or 12(6) of the Environment Protection (Waste to Resources) Policy 2010 taking into account the matters set out in this document.*

## Purpose

Clause 11 of the Environment Protection (Waste to Resources) Policy 2010 (the EPP) regulates when certain wastes can be disposed of to landfill. This document provides guidance to the waste and resource recovery industry and other activities undertaking resource recovery regarding the key requirements that will be taken into account by the EPA in determining whether to grant an approval under clauses 11(6) or 12(6) of the EPP.

## 1 Introduction

The EPP was created under the *Environment Protection Act 1993* (the EP Act). The objective of the EPP is ‘to achieve sustainable waste management by applying the waste management hierarchy consistently with the principles of ecologically sustainable development set out in section 10 of the Act’<sup>1</sup>. It seeks to support *South Australia’s Strategic Plan 2011* target of reducing waste to landfill by 35% by 2020 and the objectives of *South Australia’s Waste Strategy 2011–2015*.

**From 1 September 2012**, a person must not dispose of waste<sup>2</sup> produced in metropolitan Adelaide to a landfill depot unless the waste results from, or has been subject to, resource recovery processes<sup>3</sup> carried out—

- a at an appropriate licensed material recovery facility or composting depot; or
- b at some other facility that has been approved by the Authority; or
- c in accordance with the waste management hierarchy and to the extent reasonably achievable<sup>4</sup>.

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<sup>1</sup> EPP clause 7.

<sup>2</sup> Wastes excluded from the need to be treated are set out in EPP Schedule 3 and include residual kerbside waste collections where the council also provides separate kerbside collection services for recyclable wastes and vegetative matter (ie has a three-bin system).

<sup>3</sup> Refer to EPP clause 11(8), and the definitions of ‘resource recovery’ and ‘treatment’ in EPP clause 3 for the meaning of this term.

<sup>4</sup> EPP clause 11(3).



A landfill operator must not receive this waste for disposal unless the waste has been subject to such a resource recovery process<sup>5</sup>.

The EPA can grant approvals for facilities and impose (and vary) conditions to such approvals<sup>6</sup>. Landfill depot operators can simply receive and dispose of wastes from such approved facilities (as well as appropriate licensed material recovery facilities or composting depots) to landfill without any further assessment<sup>7</sup>.

[Appendix 1](#) provides the full text of clauses 11 and 12 of the EPP.

This document sets out why an approval under clause 11 may be sought and the key requirements that will be taken into account by the EPA when determining whether to grant an approval for a facility under clause 11. The key requirements that will be considered by the EPA are highlighted in boxed text. Terms used have the same meaning as in the EPP.

## 2 Why seek a clause 11 approval?

Where waste has been subjected to resource recovery processes at an appropriate licensed material facility or composting depot or in accordance with the waste management hierarchy and to the extent reasonably achievable prior to its disposal to landfill, the requirements of clause 11(3) will be satisfied without any approval being held by the facility. [Appendix 2](#) contains provides further information on these types of facilities or processes.

However, waste management activities vary from disposal only through a mix of activities to resource recovery only. Accordingly, approvals under clause 11 have been provided for in the EPP to enable the operator of any facility and its stakeholders to avoid any doubt about the facility's ability to lawfully dispose of its wastes to landfill<sup>8</sup>.

Some reasons why a facility operator may choose to seek a clause 11 approval for the facility are when waste regulated by clause 11 is being generated or received and:

- 1 there could be ambiguity about whether the facility satisfies clause 11(3)(a) [licensed material recovery facility or composting depot authorised to receive that type of waste] or clause 11(3)(c) and the person wants certainty regarding ability to dispose of the waste from the facility directly to landfill (eg transfer stations and skip bin facilities),

OR

- 2 for facilities that do not meet clause 11(3)(a), there is a commercial or other advantage arising from holding an approval due to a landfill depot operator then simply being able to accept the waste from the facility for disposal<sup>9</sup>.

Note: A person undertaking a waste management activity that does not satisfy clause 11 may dispose of the waste to another facility or process that satisfies clause 11 (eg a skip bin operation may take its waste to a licensed material recovery facility or to a transfer station that holds a clause 11 approval).

## 3 Assessing clause 11 approvals for waste or resource recovery facilities

The EPA will consider what waste materials are being received by the facility and what recovery endeavours for certain materials are occurring. Improvements in performance over time may be sought through resource recovery processing requirements, including EPA guidelines established for clause 11(8) of the EPP and any relevant licence conditions.

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<sup>5</sup> EPP clause 11(4).

<sup>6</sup> EPP clause 11(6)–(7).

<sup>7</sup> EPP clause 11(4)–(5).

<sup>8</sup> EPP clauses 11(3), (6)–(7).

<sup>9</sup> Refer EPP clauses 11(4)–(5) and 12(4)–(5).

### 3.1 How will the EPA assess whether to grant clause 11 approvals for transfer stations (including skip bin facilities)?

Under the EPP, a *transfer station* is defined as ‘a depot for the reception and aggregation of waste streams prior to their transport to some other depot or place for further sorting, resource recovery or disposal’.

Transfer stations can have varied recovery rates depending upon the types of waste received (eg high-volume mixed wastes through to skip bins, small commercial loads and the residential trailer market) and the particular constraints at the relevant site. The high-volume transfer stations servicing metropolitan Adelaide have been reported as being likely to be recovering around 5–15% by weight of total waste materials. At facilities promoting pre-sorting of wastes by clients together with some additional treatment of tipped residual wastes, the recovery rates have been estimated as in the order of up to 50–70%<sup>10</sup>.

In considering whether or not an approval should be granted to a transfer station (including skip bin facilities) under clause 11 of the EPP, the EPA will consider for waste at the depot that is regulated by clause 11:

- 1 if the depot undertakes or will, upon commencement, undertake resource recovery processes\* for:
  - at a minimum—metals, aggregated cardboard and paper, aggregated vegetative matter, aggregated bricks and concrete, timber suitable for recovery, whitegoods, computers and televisions to the extent that is reasonably practicable at that depot (except where any particular waste is not received or generated by the depot), and
  - any other potentially recoverable wastes to the extent that is reasonably practicable at that depot (except where any particular waste is not received or generated by the depot).
- 2 if the depot has, or will establish, and maintain dedicated areas for the temporary storage of relevant recoverable wastes and other prohibited landfill wastes<sup>11</sup>, including each of the following wastes (unless such wastes are not received or generated at the depot):
  - hazardous wastes, lead acid batteries, oils, whole tyres, gas bottles,
  - aggregated cardboard and paper, aggregated vegetative matter, metals,
  - bricks, concrete, timber suitable for recovery, and
  - whitegoods, computers and televisions, other electronic wastes, and fluorescent lighting.

Complementary wastes may have a co-located specific storage area.

\* including through retrieval, sorting and redirection of the waste to further resource recovery processing.

An application for a clause 11 approval should describe the nature and extent of resource recovery processing being undertaken and the general character of further processing of retrieved recoverable materials. The treatment of the waste may involve fixed or mobile equipment use (eg excavators) for the retrieval of these recoverable materials or direction of customers and staff to dedicated areas for depositing these materials.

### 3.2 How will the EPA assess whether to grant clause 11 approvals for other waste or recycling depots?

Research done for the EPA and Zero Waste SA (ZWSA) indicates that other waste or recycling depot types (eg recycling operations and manufacturers of recycled products) have high recovery levels and, for many, business success usually depends upon attaining controlled waste inputs and the production of marketable products<sup>12</sup>.

<sup>10</sup> Rawtec & Mike Haywood—Sustainable Resource Solutions, pp 30–31.

<sup>11</sup> Prohibited landfill wastes are commonly referred to as ‘banned wastes’. They are listed in Schedule 4 of the EPP.

<sup>12</sup> Rawtec & Mike Haywood—Sustainable Resource Solutions, section 3.

Many of these waste or recycling depots can be expected to be ‘appropriate licensed material facilities’ under the EPP. However, where they are not or the certainty of an approval is sought, assessment will be undertaken in accordance with the boxed text in this section.

In considering whether or not an approval should be granted to waste or recycling depots (other than transfer stations) under clause 11 of the EPP, the EPA will consider for waste at the depot that is regulated by clause 11:

- 1 if the essential character of the depot is for the treatment of waste for resource recovery, and
- 2 the extent to which the resource recovery processes will be carried out in accordance with the waste management hierarchy and to the extent reasonably achievable, including for proposed new waste or recycling depots:
  - to which level(s) of waste management hierarchy the proposed activity relates, and
  - the character of other accessible alternative depots (either existing or proposed with all relevant planning and environmental approvals obtained at the date of application by the proposed activity) for management of that waste type, and
- 3 if the depot has, or will establish, and maintain dedicated temporary storage areas, where relevant, for recoverable wastes and other prohibited landfill wastes received or generated on the site.

Complementary wastes may have a co-located specific storage area.

An application for a clause 11 approval should describe the nature and extent of resource recovery processing being undertaken and the general character of further processing of retrieved recoverable materials.

### **3.3 How will the EPA assess whether to grant clause 11 approvals for resource recovery facilities co-located with a landfill depot?**

Under the EPP, a landfill depot is defined as ‘a depot for the controlled disposal of waste to land’. A site may have a co-located landfill depot and transfer station, materials recovery facility or composting depot.

Landfill depot operators with co-located facilities need to be able to comply with clause 11(4). Where a clause 11 approval is sought for a resource recovery element at the site, it will be assessed in accordance with section 3.1 or 3.2 of these guidelines as relevant.

Landfill depots may have gas capture for the generation of electricity from mixed waste at landfill. This electricity generation will not be able to constitute a resource recovery facility—such waste has already been subject to disposal to landfill and any wastes regulated under clause 11 will still need to have first been received from, or subjected to, resource recovery processes.

## **4 Assessing clause 11 approvals for other activities**

Other waste handling activities that may satisfy clause 11(3)(c) of the EPP are diverse<sup>13</sup>. It is therefore not possible to specify all the different scenarios where a person may seek an approval for other waste handling activities. Notably, approvals can only be issued to a ‘facility’ and therefore cannot be used for the approval of a ‘process’ used across multiple sites that may satisfy clause 11(3)(c).

An application for a clause 11 approval should describe the nature and extent of source separation and general character of arrangements for the collection of materials for resource recovery from the facility. Assessment will be undertaken in accordance with the boxed text in this section.

<sup>13</sup> As discussed in Appendix 2.

In considering whether or not an approval should be granted to a facility (outside the scope of sections 3.1-3.2 of these guidelines) under clause 11 of the EPP, the EPA will consider for waste at the facility that is regulated by clause 11:

- 1 if the facility has, or will establish, and maintain source separation of, and dedicated temporary storage areas for all recoverable wastes and other prohibited landfill wastes, including each of the following wastes (except where any particular waste is not received or generated by the depot):
  - hazardous wastes, lead acid batteries, oils, whole tyres, gas bottles,
  - cardboard and paper, metals, plastics (excluding plastic films), glass, vegetative matter, food waste, CDL packaging,
  - bricks, concrete, timber suitable for recovery, and
  - whitegoods, computers and televisions, other electronic wastes, and fluorescent lighting, and
- 2 the extent to which these materials are then sent for, or subjected to, further resource recovery processing.

Complementary wastes may have a co-located specific storage area.

## 5 The EPA's approach to applying conditions to clause 11 approvals

The EPA may grant clause 11 approvals subject to conditions and these may be varied by the EPA by the addition, substitution or deletion of one or more conditions from time to time<sup>14</sup>. Where these guidelines specify criteria that will be considered in determining approval (refer to boxed text), the EPA may choose to impose these requirements as conditions of the clause 11 approval. Another key purpose of conditions will be to regulate when a determination may be made that waste not be subject to treatment, or further treatment, for resource recovery prior to disposal to landfill.

Where an activity seeking a clause 11 approval is licensed, the EPA considers it most appropriate that licence conditions be used.

## 6 Consequences of failing to comply with a clause 11 approval

If a facility that holds a clause 11 approval ceases to meet its approval requirements (refer to boxed text), its approval could be revoked. This would mean that, unless it otherwise still satisfies clause 11, its waste can no longer be disposed of to landfill but will need to be directed to a facility that undertakes resource recovery processes in accordance with the EPP.

If a facility that holds an approval is not meeting its conditions and does not satisfy the other elements of clause 11(3), the EPA could also take enforcement action against the facility operator for contravention of clause 11(3), a mandatory provision, on the basis that waste has been sent to landfill without being subject to resource recovery processes.

## 7 Assessing the grant of clause 12 approvals

Clause 12 of the EPP operates to establish wastes that are prohibited from disposal (typically referred to as landfill bans) directly to landfill depots and also provides, in effect, that if waste is received for disposal at a landfill depot from:

- a a licensed material recovery facility authorised to receive that type of waste,
- b a licensed composting depot authorised to receive that type of waste, or
- c another EPA approved facility [under clause 12(6)],

the landfill depot can simply receive waste for disposal (as a determination is taken to have already been made that no further treatment for the removal of banned wastes is needed)<sup>15</sup>.

<sup>14</sup> EPP clause 11(6)–(7).

<sup>15</sup> EPP clause 12(4)–(5).

[Appendix 1](#) provides the full text of clause 12 of the EPP.

The EPA intends that facilities to which it grants clause 11 approvals will also be approved by default at the same time for the purposes of clause 12 of the EPP.

## Review

The EPA will commence a review of this guideline in December 2013. Stakeholder consultation will be undertaken as part of the review process.

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## Further information

### ***Legislation***

Legislation may be viewed on the Internet at: <[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet Adelaide Service SA Centre 108 North Terrace Adelaide SA 5000	Telephone: Facsimile: Website:	13 23 24 (08) 8204 1909 <a href="http://shop.service.sa.gov.au">shop.service.sa.gov.au</a>
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### ***For general information please contact:***

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## Appendix 1      Clauses 11 and 12 of the policy

Extracted from the EPP dated 24 November 2011. Please check for currency at <[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)>.

Definitions of terms used in this provision may be found in the EPP and EP Act. The Act sets out offence amounts.

### **11—Waste to be treated prior to disposal to landfill**

- (1) This clause applies to waste produced in an area specified in Schedule 2 other than waste excluded from the application of this clause by Schedule 3.
- (2) This clause will not apply until the second anniversary of the day fixed by the Governor for this policy to come into operation.
- (3) A person must not dispose of waste to which this clause applies at a landfill depot unless the waste results from, or has been subject to, resource recovery processes carried out—
  - (a) at an appropriate licensed material recovery facility or composting depot; or
  - (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
  - (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

- (4) The operator of a landfill depot must not receive waste to which this clause applies for disposal at the depot unless the waste results from, or has been subject to, resource recovery processes carried out—
  - (a) at an appropriate licensed material recovery facility or composting depot; or
  - (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
  - (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

- (5) For the purposes of this clause, waste received at a landfill depot will be taken to result from, or have been subject to, resource recovery processes if it has been received from—
  - (a) an appropriate licensed material recovery facility or composting depot; or
  - (b) some other facility that has been approved by the Authority for the purposes of this clause.

- (6) The Authority may—

- (a) grant an approval to a facility for the purposes of subclauses (3), (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
- (b) revoke such an approval on such grounds as the Authority thinks fit.

- (7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

- (8) In this clause—

***resource recovery processes*** means processes carried out for resource recovery, which may include a determination, following examination of waste, that the waste need not be subject to treatment, or further treatment, for resource recovery so long as any such determination is made in accordance with—

- (a) any licence conditions that are expressed to apply for the purposes of this clause; or
- (b) any conditions that apply under subclause (6); or
- (c) any guidelines published from time to time by the Authority for the purposes of this clause.

**12—Disposal of prohibited landfill waste**

(1) A person must not dispose of waste at a landfill depot if the waste was produced in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

(2) A person must not dispose of waste in an area for which the waste is prohibited landfill waste by depositing it in a receptacle for collection or transport for disposal at a landfill depot.

Mandatory provision: Category B offence.

(3) The operator of a landfill depot must not receive waste for disposal at the depot if—

- (a) the waste was produced in an area for which the waste is prohibited landfill waste; or
- (b) the depot is situated in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

(4) This clause does not apply to the disposal or receipt of waste at a landfill depot if—

- (a) a determination has been made, following examination of the waste, that the waste need not be subject to treatment, or further treatment, for the removal of material that is prohibited landfill waste; and

(b) the determination has been made—

- (i) at an appropriate licensed material recovery facility or composting depot in accordance with any licence conditions that are expressed to apply for the purposes of this clause; or
- (ii) at some other facility that has been approved by the Authority for the purposes of this clause in accordance with any conditions that apply under this clause; or
- (iii) in accordance with any guidelines published from time to time by the Authority for the purposes of this clause.

(5) For the purposes of subclause (3), prohibited landfill waste received at a landfill depot will be taken to have been the subject of a determination referred to in subclause (4) if it has been received from—

- (a) an appropriate licensed material recovery facility or composting depot; or
- (b) some other facility that has been approved by the Authority for the purposes of this clause.

(6) The Authority may—

- (a) grant an approval to a facility for the purposes of subclauses (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
- (b) revoke such an approval on such grounds as the Authority thinks fit.

(7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

## Appendix 2 –Disposal under clause 11 without holding a clause 11 approval

### 1 Appropriate licensed material recovery facilities

A material recovery facility that holds a licence under the Act is able to receive the types of wastes permitted under its licence<sup>16</sup>. No clause 11 approval is required to send these wastes from a material recovery facility to landfill after resource recovery processing has occurred.

The EPP defines material recovery facilities as well as what constitute transfer stations, landfill depots and composting depots. It defines a material recovery facility as ‘a depot for the treatment of waste for resource recovery, other than a composting depot’<sup>17</sup> and also states that ‘resource recovery in relation to waste, means—

- a reusing the waste; or
- b recycling the waste; or
- c recovering energy or other resources from the waste’<sup>18</sup>.

The EPP specifies that the treatment of waste is a reference to the treatment of waste in some way—

- a ‘to recover material from the waste that may be reused or recycled; or
- b to recover energy or other resources from the waste; or
- c to prepare the waste for further treatment to recover material from the waste that may be reused or recycled or to recover energy or other resources from the waste,

and includes, but is not limited to, sorting, shredding, crushing, compacting or packaging the waste’<sup>19</sup>.

In summary, **a material recovery facility is a depot where the essential character of the facility is for the treatment of waste for resource recovery** rather than a place where some waste may be recovered but it is not its key purpose. Whether or not a facility constitutes a material recovery facility will be a matter of fact and degree depending upon the nature of activity undertaken. The definition is based on the treatment, not handling processes and it will cover depots that are for the treatment of permitted wastes for resource recovery whether they are strongly mechanised or predominantly manual in character. A material recovery facility may be co-located with other waste activities.

The scope of the definition of a material recovery facility in the EPP is such that it will cover:

- licensed depots that are designed to mechanically separate materials received specifically for recycling or manufacture into recovered products (ie the facilities typically referred to as material recovery facilities or MRFs),
- licensed depots where the key purpose is the separation of materials specifically for recycling or manufacture into recovered products without strong reliance on mechanisation. This includes waste recovery facilities where the site provisions and staff direction results in all glass, metals, concrete, bricks, plastics, vegetative matter, electronic wastes (including whitegoods), tyres, fluorescent lighting, and cardboard and paper entering the site being treated for resource recovery. Depots receiving some waste streams regulated by clause 11 that are not subject to thorough separation (eg most transfer stations) do not meet the essential character requirement for being a material recovery facility,
- licensed depots that primarily reuse waste or prepare waste for reuse,
- licensed depots that primarily recycle materials or prepare waste for recycling, and
- licensed depots where the sole or key purpose is the manufacture of products from waste materials.

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<sup>16</sup> EPP clause 11(3)(a).

<sup>17</sup> EPP clause 3(1).

<sup>18</sup> EPP clause 3(1).

<sup>19</sup> EPP clause 3(2).

## 2 Appropriate licensed composting depots

A composting depot that holds a licence under the Act is able to receive the types of wastes permitted under its licence<sup>20</sup>. No clause 11 approval is required to send those wastes from a composting depot to landfill after resource recovery processing has occurred.

The EPP defines a composting depot as ‘a depot for the treatment of organic waste for the production of compost, and includes a composting works as described in clause 6(3) of Schedule 1 Part A of the Act’<sup>21</sup>.

Activities licensed under clause 6(3) of Schedule 1 Part A of the Act meet the requirements of clause 11 for the wastes that they are authorised to receive.

## 3 Activities satisfying clause 11(3)(c) of the EPP

Waste that results from, or that has been subject to, resource recovery processes carried out in accordance with the waste management hierarchy and to the extent reasonably achievable may be disposed of to a landfill depot<sup>22</sup>. An activity may satisfy this option under the EPP without holding any approval. Whether a process satisfies this clause would be assessed as an objective matter of fact and degree.

The ‘waste management hierarchy’ in the EPP has the same meaning as in the *Zero Waste SA Act 2004*. The Zero Waste Act states<sup>23</sup>:

‘the waste management hierarchy is a reference to an order of priority for the management of waste in which—

- a avoidance of the production of waste; and
- b minimisation of the production of waste; and
- c reuse of waste; and
- d recycling of waste; and
- e recovery of energy and other resources from waste; and
- f treatment of waste to reduce potentially degrading impacts; and
- g disposal of waste in an environmentally sound manner,

are pursued in order with, first, avoidance of the production of waste, and second, to the extent that avoidance is not reasonably practicable, minimisation of the production of waste, and third, to the extent that minimisation is not reasonably practicable, reuse of waste, and so on.’

In visual summary:



<sup>20</sup> EPP clause 11(3)(a).

<sup>21</sup> EPP clause 3(1).

<sup>22</sup> EPP clause 11(3)(c).

<sup>23</sup> Zero Waste SA Act 2004, section 3(2).

The definition of waste under the EP Act is sufficiently broad that it can relate to activities that are not typically considered as being waste or recycling depots or that do not require licensing.

Under the EP Act, 'waste' is defined as—

- a any discarded, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or
- b anything declared by regulation ... or by an environment protection policy to be waste,
- c whether of value or not<sup>24</sup>.

Waste handling activities are very diverse ranging from activities licensed as waste or recovery depots under Schedule 1 clause 3(3) through to minimisation and separation of wastes by waste generators, soil reuse between development sites to the transfer of secondhand goods in need of repair.

These activities may be undertaken in different types of facilities with different environmental risk profiles which may or may not be licensed. Activities that may be undertaken in accordance with the waste management hierarchy and to the extent reasonably achievable—beyond licensed material recovery facilities and composting depots within the scope of clause 11(3)(a)—may include:

- waste or recovery facilities that do not comprise an appropriate licensed material recovery facility or compost depot, eg transfer stations, skip bin facilities, tyre recyclers and container deposit legislation (CDL) depots,
- soil reuse between development sites, or
- non-waste businesses or educational institutions that generate high volumes of waste, undertake source separation of wastes and determine that there is a commercial or other benefit to being able to dispose of their residual waste to landfill without it undergoing any further resource recovery treatment. These businesses may or may not be licensed under the EP Act. For example,
  - a large (licenced) car manufacturing business that separates more than a dozen waste streams that it generates on-site. These wastes are then variously sent off for resource recovery or chemical treatment, leaving a residual waste stream with no or very few recoverable elements
  - a hotel chain (unlicenced) that undertakes source separation of many waste streams at its hotel(s) but still has a mixed residual waste stream that presents little opportunity for additional recovery of materials
  - a building company that undertakes consistent waste source separation practices for all wastes at all of its development sites, leaving a residual waste stream with no or very few recoverable elements.

A notable aspect of EPP clause 11(3)(c) is that it caters for waste handling activities that do not constitute a 'facility' so that it can readily relate to waste generation and reuse activities.

Waste generators may pursue processes to undertake resource recovery of as much waste as reasonably possible through source separation activities (as well as having opportunities to avoid or reduce the generation of waste).

For waste or recycling depots, the highest order options available for wastes received at the depot are reuse and recycling so that many will already be captured within the scope of a 'licensed material recovery facility' as described earlier.

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<sup>24</sup> Section 3(1) of the EP Act. Clause 4 of the EPP provides that waste or material resulting from the treatment of waste remains a 'waste' except insofar as particular circumstances are met. Its scope is such that beyond recovered materials governed by existing specifications, it demonstrates that materials such as secondhand clothing ready and intended for sale will not be waste.