

THE HUNTER JOINT ORGANISATION OF COUNCILS

NSW Environment Protection Authority
Waste Strategy Team
Via NSW Government – *Have Your Say* website
<http://www.haveyoursay.nsw.gov.au/consultations/search>

9 November 2016

Dear Sir/Madam

NEW MINIMUM STANDARDS FOR MANAGING CONSTRUCTION AND DEMOLITION WASTE IN NSW

– SUBMISSION FROM THE COUNCILS OF THE HUNTER WASTE REGION

Member Councils of the Hunter Joint Organisation of Councils thank the NSW Government for the opportunity to provide a submission on the *New minimum standards for managing construction and demolition waste in NSW*.

We request that the NSW EPA takes into account this letter and attached detailed submission during the current consultation process.

Our regional response was developed by the Hunter Joint Organisation of Councils (JO) and the Councils of the Hunter Waste Region through an open consultative process with officers and senior managers.

Our member Councils are:

- Cessnock City Council
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- MidCoast Council
- Muswellbrook Shire Council
- City of Newcastle
- Port Stephens Council
- Singleton Council
- Upper Hunter Shire Council

Staff from both the Hunter Joint Organisation of Councils and member Councils within the Hunter Waste Region participated in the NSW EPA consultation process as follows:

- Attendance at the NSW EPA Newcastle consultation session on 3 November 2016
- Subsequent provision of feedback for the regional submission

The Councils would appreciate the NSW Environmental Protection Agency taking note of the following regarding the Hunter JO Region.

- There are twelve licensed Council waste facilities in the region. Councils do not believe the proposed reforms will negatively impact facilities with landfill licenses, but may impact on those with resource recovery licenses. Based on information in the consultation paper, the majority of councils do not feel that their operations will be adversely affected

- There may be indirect cost impacts to councils via their recycling contractors, however the scope and quantum of these impacts are not yet known
- The Councils believe the proposed reforms are predominately aimed at regulating the construction and demolition (C&D) industry in the metropolitan regulated area (MRA), and unlicensed C&D sorting facilities

Given the reforms seem to target operations in the metropolitan levy area (MLA), the Councils of the Hunter JO request clarification as to which elements of the proposed reforms may be applied to the Regional Levy Area (RLA) as a number of our member Councils are located in the RLA.

The Councils of the Region are supportive of the introduction of new minimum standards for the construction and demolition (C&D) sector and the potential improvements to resource recovery across the sector.

Detailed notes in regard to our submission are supplied as an attachment to this letter.

Please do not hesitate to contact Mr. Bradley Nolan (Director Hunter Councils Environment Division) on 02 4978 4024 to discuss any aspect of this submission.

Yours sincerely



Roger Stephan
Chief Executive Officer

Detailed Submission

The following submission has been compiled with advice and information from the 9 Councils of the Hunter Waste Region. Individual member Councils will likely submit their own detailed submissions to the legislation. This submission will support and provide regional context for those individual submissions.

Consultation Timeframe

The following points relate to the timeframe for consultation with the relevant stakeholders in the waste sector.

Consultation Process

1. A limited consultation period such as this one (24 October -17 November) makes it difficult for individual councils and waste regions to develop comprehensive responses to all aspects and implications of the new minimum standards. Councils request the Government recognise the intrinsic process timeframes of Local Government reporting and approval processes for future consultation periods.
2. The provision of a locally delivered consultation session in Newcastle was appreciated by member Councils.

Commencement of New Standards

3. Given that the new requirements will come into force in the metropolitan levy area (MLA) of NSW from 1 March 2017, our member councils suggest that a transition phase (staged implementation) may be more effective in delivering planned resource recovery and compliance outcomes.

Construction & Demolition Waste Industry Reforms

The following points relate to the Scheme objectives and targets for coverage, recovery and litter reduction.

4. Overall, Councils feel that there is likely to be minimal impact on their operations as a result of the proposed new minimum standards, but would like to note that Council run operations may encompass landfilling as well as transfer stations and resource recovery operations. A one size fits all approach may not adequately address the diverse operations of councils.
5. Councils would like further clarity on which elements of the reforms apply to which levy paying areas as a number of our member Councils are in the Rural Levy Area (RLA) and it is unclear how the proposed reforms will affect the RLA.
6. Councils request clarification on how the 6000 tonne threshold would be determined e.g. Council's own weighbridge data or Section 88 reporting? Requests for clarification during the consultation period were not answered.
7. The ability to use recovered fines as daily cover onsite is a positive outcome depending on each Council's ability to meet the specifications required. However, recovered fines are not adequately defined in the consultation paper. The EPA is requested to provide definitions of all key terms.
8. Consideration of overall tonnes received at the facility, not just C&D tonnes may be of assistance in developing appropriate approaches to well run council facilities.

9. There is no reference as to how new resource recovery targets were determined – a clear rationale would motivate stakeholders to comply with the new standards.

Improving Performance at Landfills

The following points relate to improving performance at landfills and restricting the exhumation of waste.

10. No Councils in the region exhume waste beyond standard operational and approved needs such as the installation of landfill gas capture infrastructure – therefore this condition should have no impact on current operations.
11. Clarity is sought on ability of councils to exhume and manage waste materials during landfill closure and landscape formation to meet closure plan requirements. It is unclear if these restrictions will impact on the ability to appropriately form the final landscape design to meet EPA standards.
12. Clarity is sought on how these regulations may be applied in situations where, (once past the weighbridge) it is discovered that mixed loads contain material councils are not licenced to accept (such as coal tar or contaminated soils).

Improving Handling of Asbestos Waste

The following points relate to the handling and landfilling of asbestos waste.

13. Councils support increased penalties for non-compliance.
14. Council requests ongoing partnership between Work Cover and the EPA to ensure asbestos waste delivered to waste management facilities is appropriately handled i.e. wrapped in manageable sized loads with a view to being able to unload and dispose of simply and safely.
15. Councils believe that continuing liaison between Work Cover and the EPA is required on the asbestos disposal issue.

Clarifying Application of Transported Waste Deductions

The following point relates to the application of transported waste deductions.

16. Councils confirm this area of the proposed reforms supports current practices as levy liable waste facilities, and will not place undue burden on management systems.
17. Clarity is sought on possible restrictions on Councils accepting C&D materials they have no intention of landfilling, but accept and redirect it to a specialist recycler.

New Eligible Operational Purpose Deductions

The following point relates to the creation of new eligible operational purpose deductions.

18. Councils support the addition on the proposed ne eligible deduction as they will benefit Councils installing buffer layers to protect landfill liners made of geotextile fabric or clay.
19. Clarity is sought on the process and standards that will enable the deductions to be claimed.

Clarifying Application of the Levy at Resource Recovery Facilities

The following point relates to the application of the waste levy at Resource Recovery Facilities.

20. Continuing concessional rates for the use of shredder floc at landfill sites are welcomed by councils who wish to buffer landfill liners.

Monitoring of Waste at Levy Liable Facilities

The following point relates to the monitoring of waste received by levy liable Facilities.

21. Councils seek clarity on how levy calculations relating to moisture loss (mass change) from recycled organics materials will be addresses through the proposed reforms. This is an ongoing issue Councils would like specifically addressed.
22. Councils support the continued use of the Waste and Resource Recovery Portal as an important tool for calculating the correct levy liability.

Improved Transport of Waste

The following point relates to the management of transported waste.

23. Councils acknowledge the proposed reforms remove the offense related to the proximity principle for Construction and Demolition waste and would like to request this offense not be removed from waste to be landfilled.
24. Removing the need for annual volumetric surveys on resource recovery stockpiles is welcomed by councils, as it will minimise compliance costs.

Protection of the Environment Operations (General) Regulation 2009 (POEO General Regulation): Changes to the Land Pollution Offence

The following point relates to changes to the land pollution offence.

25. Councils support these changes and note it is unlikely to impact on council operations in the region.

Protection of the Environment Operations Act 1997 (POEO Act): Licensing Changes

The following point relates to changes to POEO Licences.

26. Councils seek clarification on how these licencing changes may be applied to bio-solids and woodchips, as this will impact on Councils either operating, or planning to build and operate recycled organics facilities.
27. Councils seek clarity on the requirements for inter-modal transfer of waste as consideration is being made to the potential of waste transport via rail networks in the Hunter Region.