



ACT
Government

Territory and Municipal Services

Felicity Greenway

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NSW Department of Planning and Infrastructure

Dear Ms Greenway

Application Number MP10_0012

Submission on behalf of the Australian Capital Territory

I write on behalf of the government of the Australian Capital Territory (**Territory**) in respect of the above application (**Application**) filed by Veolia Environmental Services (**Proponent**) that seeks, inter alia, to increase the permitted volume of waste received at the Woodlawn Bioreactor (**Woodlawn Facility**) from 500,000 tonnes per annum to 1,200,000 tonnes per annum.

The Territory objects to the Application if it results in any relaxation of the existing restrictions preventing waste generated in the Territory being directed to the Woodlawn Facility. In particular, the Territory takes objection to any proposal that would permit waste sourced from the Territory to be disposed of in the Woodlawn Facility as untreated landfill where such waste would be reasonably supposed to be subject to more rigorous efforts at reuse and recycling if treated in the Territory.

I note that, the Territory does not seek to restrain the treatment of waste from the Territory in New South Wales or any other jurisdiction where such treatment results in outcomes consistent with or better than would be achieved in the Territory, but takes objection where the likely outcomes are worse from an environmental and sustainability perspective.

Territory Policy

The Territory is one of the leading jurisdictions in waste management in Australia with over 70 per cent of waste generated in the Territory reused or recycled. The Territory Government remains committed to doing more and progressing towards its zero waste to landfill goal.

The Territory has advantages in waste management. The Territory is a relatively dense population centre and has an environmentally aware community that supports government and business efforts in recycling and waste minimisation.

The Government remains focused on working closely with the community and business to implement efficient waste management solutions within the Territory. It

is the policy of the Territory to minimise the amount of waste material from the Territory ending up in landfill.

This policy does not simply seek to minimise the amount of landfill in the Territory. It commits the Territory to maximising the amount of recycling and reuse of waste generated. The Territory does not take the view that waste generated in the Territory ceases to be a concern once transferred to another jurisdiction.

The waste hierarchy remains an important principle for waste management in the Territory and is embedded in its waste legislation. Section 5 of the *Waste Minimisation Act 2001* sets out the objectives of the Territory in respect of waste treatment:

Main objects of Act

The main objects of this Act are as follows:

- (a) to establish a waste management hierarchy of the following order:
 - (i) avoidance;*
 - (ii) reuse;*
 - (iii) recycling and reprocessing;*
 - (iv) disposal;**
- (b) to ensure that government, industry and community representatives are involved in the development of ACT-wide waste policy;*
- (c) to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste;*
- (d) to ensure that industry shares with the community the responsibility for minimising and managing waste;*
- (e) to promote and ensure the efficient resourcing of waste service planning and delivery;*
- (f) to achieve integrated waste planning and services;*
- (g) to promote and ensure environmentally responsible transporting, reprocessing and handling of waste.*

I note that the above objectives substantially reflect the objective of New South Wales as articulated in Section 3 of the *Protection of the Environment Operations Act 1997*.

In support of its stated objectives, the Territory has implemented a system of fees and charges for disposal of waste within its borders. This system is intentionally devised to capture the environmental and social costs of disposal of waste and to provide incentives to reduce, reuse and recycle material wherever possible in favour of disposal at landfill.

The Territory's fees and charges can be found at <http://www.legislation.act.gov.au/di/2011-122/current/pdf/2011-122.pdf>

As a result of these active steps, the Territory has seen a marked increase in the amount of waste that is being recycled and reused, that would otherwise have been disposed of in landfill. In 2010-11, just over 75% of all waste generated in the Territory was recycled or reused. This is the highest result recorded, not only in the Territory, but also in Australia.

The Territory is continuing to pursue further reductions in the amount of waste generated within its borders that is disposed of in landfill. This includes plans to establish a commercial dry mixed waste processing facility in the suburb of Hume within the Territory.

The planned facility is expected to process up to 100,000 tonnes of waste per year treating and recycling around 43% of such waste.

Waste Treatment at the Woodlawn Facility

The Woodlawn Facility does not undertake significant efforts at recycling, nor is there any intent by the Proponent to significantly increase the amount of recycling under the current proposal.

The Woodlawn Facility does undertake some power generation activities by way of methane capture and storage, however, it does not undertake capture and recycling of even high value waste products such as metal, glass, plastics and paper products.

The Application does not indicate any intention by the Proponent to seek to undertake any such activities if it is allowed to expand the intake of waste at the Woodlawn Facility.

On this basis, the Territory views the Woodlawn Facility as providing inferior environmental outcomes to those currently implemented in the Territory and significantly inferior outcomes to the future plans for waste in the Territory.

Concerns

The Woodlawn facility is located only 50 kilometres from the Territory and is easily accessible. It is likely, that without any restrictions, it will be economically feasible for the Proponent to accept waste from the Territory at the Woodlawn Facility. Indeed the Proponent's environmental assessment in support of the application specifically refers to sourcing waste from the Territory.¹

The Territory is concerned that, should the Woodlawn Facility be expanded and the current limitations on the areas from which its operators can source waste are relaxed, it will undermine the waste minimisation objectives of the Territory. In particular, the Territory is concerned that the contributions regime to provide incentives to waste operators to minimise waste disposal at landfills which operates in New South Wales does not apply to waste sourced from the Territory. This will significantly skew the financial incentives against recycling and reuse, should the Woodlawn facility be permitted to accept waste from the Territory.

New South Wales Contribution Scheme

It goes without saying recycling waste is not costless and, from a purely financial standpoint, it is cheaper to simply dump waste in landfill than to implement and operate systems to recover and recycle, however desirable such work may be.

As you are aware, New South Wales addresses this issue under its *Protection of the Environment Operations Act 1997*, by requiring a contribution from operators of landfill sites to the Environment Protection Authority for waste disposed at landfills where it is sourced from the Sydney Metropolitan Area (SMA), Extended Regulated Areas (ERA) and Regional Regulated Areas (RRA)². These charges are currently \$82.20, 78.60 and \$31.10 per tonne respectively. Such charges have the effect of encouraging recycling by penalising disposal at landfill.

I understand that, at present, there is no contribution payable under the New South Wales *Protection of the Environment Operations Act 1997* in respect of waste sourced from outside the SMA, ERA and RRA including the Territory. Similarly, the Territory has no power to charge the Proponent a fee for disposing of waste sourced in the Territory which is disposed of at the Woodlawn Facility.

¹ See Proponent's Environmental Assessment Report p 3-17

² See Section 88 *Protection of the Environment Operations Act 1997* and Section 5 *Protection of the Environment Operations (Waste) Regulation 2005*

Without the requirement to pay contributions, the Proponent will likely be able to undermine the waste minimisation objectives of the Territory by pricing its disposal fees below those for waste disposal in the Territory.

The Territory does not believe that it is the intention of New South Wales to permit the Territory's waste minimisation objectives to be undermined in this manner.

Submission

The Territory opposes the Application on the basis that it will likely result in the undermining of the Territory's waste minimisation objectives set out in legislation and more waste generated in the Territory will be disposed of in landfill than would otherwise result.

The Territory does not object to waste generated in the Territory being disposed of in New South Wales or elsewhere provided the environmental and social outcomes equal or exceed those of the Territory.

On this basis, the Territory would withdraw its objection if New South Wales prohibits waste from the Territory being disposed of at the Woodlawn Facility.

Thank you for your attention to this submission. Should you have any questions of require any further information, please do not hesitate to contact me.

Yours Sincerely



Chris Ware
A/g Director
ACT NOWaste

6 October 2011