



1 August 2018

Waste and Resource Recovery Team
Department of Environment, Land, Water and Planning
PO Box 500
Melbourne Vic 8002
email: wastepolicy@delwp.vic.gov.au

Ask for: Bill Millard
Phone: 9932 1096
Our Ref: A2869736

Dear Waste and Resource Recovery Team,

Submission on managing combustible recyclable waste in Victoria

Hobsons Bay City Council is pleased to provide input to the draft Waste Management Policy (Combustible Recyclable and Waste Material) (the policy) and associated guidelines.

It is understood that purpose of the guidelines are to help industry and councils to comply with the policy and this will replace the interim policy, which was established following the fire at SKM Recycling's facility in Coolaroo in July 2017.

We appreciate the opportunity to provide a submission and look forward to hearing from the Victorian Government on the steps taken to address some of the suggestions.

If you would like to discuss this submission further, please contact Bill Millard, Director Strategic Development on 9932 1096 or email bmillard@hobsonsbay.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aaron van Egmond'.

Aaron van Egmond
Chief Executive Officer



Submission on managing combustible recyclable waste in Victoria

Hobsons Bay has many private waste and recycling facilities within or in close proximity to its boundaries. Council do not own or manage waste and resource recovery facilities and therefore relies on neighbouring councils' or private waste and resource recovery facilities for disposal and recycling services for its community. These include the disposal of residual waste, recycling, green waste processing and electronic waste, paint, lighting, chemicals and battery recycling. Ensuring that these waste and recycling facilities are appropriately managed to reduce the risk of fire is essential.

The recyclables collected from Council's kerbside recycling services are accepted and sorted by SKM Recycling at its Laverton North and Coolaroo facilities. The fire that occurred in SKM Recycling's Coolaroo facility in July 2017 impacted on Council's kerbside recycling service. Given the current instability in the recycling industry, it is likely that any future disruptions in waste and resource recovery facilities resulting from fire would not only damage the industry's reputation and ability to provide recycling services but will also have irreversible adverse environmental and health impacts on the community. Therefore, the Victorian Government's response to protect our communities and the environment from the risk of fire at waste and resource recovery facilities is welcomed.

Scope of the policy

The Policy Impact Assessment (PIA) notes that the proposed draft Waste Management Policy (Combustible Recyclable and Waste Material) (the policy) has minimal changes to the scope or intent of the interim policy. It will be supported by the existing compliance guideline, the Management and Storage of Combustible Recyclables and Waste Materials (the guideline) which is also under review. The PIA notes that the revised guideline is expected to be in place in early 2019.

It is understood that the interim waste management policy was developed following the fire at SKM Recycling's facility in Coolaroo in July 2017. Given the primary purpose of the waste management policy was to minimise risks to human health and environment from fire, it was reasonable to focus the policy on combustible recyclables and waste material at that time.

The scope of the policy is limited to combustible recyclables and waste material (CRWM) generated from waste and resource recovery facilities. The definition of CRWM in the policy is any paper, cardboard, wood, plastic, rubber, textile, organic material, refuse derived fuel, specified electronic waste, metals, or other combustible material which is considered waste. The draft policy defines 'waste and resource recovery facilities' as facilities that receive waste including but not limited to CRWM for the purposes of storage, transfer, sale, sorting, reuse, recycling, reprocessing or energy recovery. It is understood that transfer stations are captured by this definition while licensed landfills are excluded.



It is considered that there is an opportunity to broaden the scope of the waste management policy.

There are a number of other materials that are combustible in nature but do not form part of recyclables or waste material which may be stock piling in warehouses. This includes combustible building materials such as polystyrene and timber and stored materials for manufacturing. Developing and enforcing different waste management or storage policies for different materials such as building materials and manufacturing products, with same purpose of minimise fire risk, may lead to confusion and red tape in the industry and within levels of government. If fire prevention is the key objective of this policy then stock piling of large scale raw materials and products for manufacturing and combustible construction materials could be included.

Assessment of options

One of the /advantages noted for choosing a policy and guideline approach is that the guidelines provide flexibility which will assist the Victorian Environment Protection Authority (the EPA) to modify requirements over coming years as risks and appropriate controls become better understood. Though this flexibility assists the EPA to incorporate necessary changes over a period of time, it creates uncertainty for operators of resource recovery facilities and particularly for potential investors. Consideration should be given to balancing EPA requirements and clarity for the industry.

Policy enforcement

It is concerning to note the Resource Recovery Facilities Audit Taskforce's (the taskforce) findings that the resource recovery sector is generally poorly prepared and ill equipped to manage fire risks. This highlights the importance of ensuring that the resource recovery industry is abreast of their new obligations and educated by the EPA. It is also important to implement and resource appropriate enforcement measures to ensure compliance with the policy. The PIA states that the enforcement will be undertaken by EPA officers by issuing pollution abatement notices (PANs) under section 31A of the *Environment Protection Act 1970* on the grounds that the process or activity being undertaken is non-compliant with statutory policy. Of note is that non-compliance with the requirements in the PAN is an offence that can then lead to penalties or prosecution. It is welcoming to note that by August 2018 the inspections and risk assessment aspects of the taskforce's work will be incorporated into the EPA's broader inspections program.

Format and content of guidelines

Compliance with the policy can be achieved by either following the guideline or through an approach that minimises the risk of fire to a level equivalent to the guideline. The guideline provides advice on site selection, fire prevention, risk assessment, fire mitigation (infrastructure and other controls), fire risk management planning, and storage. However, factors that can significantly contribute to fire hazard that are not included in the guideline are the type and scale of operations and consideration of a maximum limit of stockpiling volumes and durations.



The guideline is presented as a single document in a pdf format, downloadable from the EPA's website. It's a traditional method followed by the EPA for most other guidelines and therefore familiar with contractors and governments. However, consideration should be given by the EPA for a more user friendly, easy to access and customised information that is applicable to a facility and the type of material managed.

Internet based smart forms are such platforms, where customers are provided with user friendly and customised information that suits their site and material. These smart forms can ask facility managers' a series of questions in a logical sequence, leading to customised and material specific information on the requirements for fire management.

Resource Recovery Facilities Audit Taskforce

It is understood that the taskforce identified 886 resource recovery sites, and assessed five sites as extreme risk and 188 as high risk. Key management issues identified include oversized stockpiles, non-operational, inadequate and/or poorly maintained fire-fighting equipment, absent or ineffective emergency response procedures and operating issues including storage of waste in inappropriate locations. If these sites are within Hobsons Bay or are of relevance to the contractual relationships Council has with resource recovery facility operators, such as SKM Recycling, Cleanaway, Calleja, Tox Free or SIMS Recycling, it would be appreciated if this information could be shared as soon as possible.

Current challenges of recycling industry

The PIA acknowledges the current challenges facing Victoria's recycling system which increases the likelihood of stockpiling of waste material by waste and resource recovery operators. It is therefore clear that the implementation of the policy and guidelines can only play a limited role in minimising fire risks. A more broader and long-lasting approach to address the challenges faced by the recycling industry is required to support industry, reduce stockpiling and therefore minimise fire risk in waste and resource recovery facilities. This may include but not be limited to providing support to industry to invest in resource recovery facilities, encouraging a local market and use of recycled products, incentivising the minimisation of packaging and supporting research and development in developing alternative, environment friendly product designs and manufacturing techniques. We are therefore keen to see the implementation of the Victorian Government's Recycling industry Strategic Plan, consideration of the recommendations of the Senate inquiry into the waste and recycling industry and implementation of Commonwealth, State and Territory commitments of April 2018. Assuming some global trade of recyclables continues, Council would also welcome Victorian Government support and leadership to ensure intelligence of the global market conditions that has implications for the Victorian waste and resource recovery sector is gathered, analysed and shared to mitigate the risk of another occurrence in the future.



Land use planning

The *Planning and Environment Act 1987* (the Act) provides the statutory instrument for planning control in Victoria. The Act, and the planning schemes for each municipality made under it, set out how land may be used or developed.

For applications that propose to use land for resource recovery, recycling, and related purposes (that cannot achieve a 100 metre setback from residential zonings and sensitive uses), the EPA is a determining referral authority, meaning referral to the EPA is compulsory under the Act and comments from the EPA must be addressed.

Since September 2017 the EPA has applied two conditions to planning permits to alert operators of their obligations to comply with the interim policy.

The PIA acknowledges that although the EPA is a referral authority, the Melbourne Fire Brigade and the Council Fire Authority are not. This mismatch between where statutory powers lie and where expertise to advise on and enforce planning conditions is located, makes the planning system less efficient in promoting appropriate fire risk mitigation than it could be. The EPA and other agencies involved in fire prevention are encouraged to work closely to address this mismatch.

Enforcement against planning permit conditions is expensive, complex and can take several months to resolve. There are some sites within Hobsons Bay which are subject to planning enforcement where recyclables are being stored in bales without a planning permit. The Victorian Government should act decisively to simplify and shorten the time required to enforce planning permit conditions for land use for resource recovery facilities.