

Waste and the South Australian planning system

Issued November 2016

EPA 1097/16: This position statement will assist planning authorities and proponents of development understand the position of the Environment Protection Authority (EPA) on waste in relation to the South Australian planning system.

Introduction

This statement describes how waste¹ is to be addressed at each stage of the South Australian planning system to ensure the requirements of the *Environment Protection Act 1993* (EP Act) and *Environment Protection (Waste to Resources) Policy 2010* (Waste Policy) are met.

It informs how the EPA will assess actual and potential waste impacts 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

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 hierarchy² is recognised internationally as an aspirational framework for sustainability and underpins [South Australia's Waste Strategy 2015–2020](#). Recognising that there are instances where waste cannot be avoided the waste management hierarchy provides a framework to maximise the useful life of materials.

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

¹ Waste is defined in the EP Act 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 (after consultation under section 5A) or by an environment protection policy to be waste, whether of value or not.

² 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.

management hierarchy 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.

The EPA has an interest in the overall management of waste, but focuses particularly on depots³, and management of waste produced in the course of undertaking activities.

The EPA has prepared a statement on [Waste depots and the South Australian planning system](#) (2016), which should be read together with this position statement.

The EPA also has an interest in the management of wastewater and has prepared a position statement, [Wastewater and the South Australian planning system](#) (2016), on how wastewater should be managed at each stage of the planning system.

The environmental goal of the EPA in respect of good quality land is 'land is protected from the adverse impacts of pollution and waste'. The EPA also has an environmental goal, sustainable use of resources, which is 'resources are managed sustainably to safeguard the environment for current and future generations'.

Addressing waste 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.

South Australian Planning Strategy

At this stage the EPA will have an interest in ensuring that consideration is given to implementation of the waste management hierarchy, in infrastructure proposed for waste management, and in the location of land identified for future development and its proximity to waste depots that are operating, closed (including closed landfills⁴), or proposed.

When an amendment to the South Australian 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.
- principles and policies that reference the requirement to plan for the following matters are included to enable their further expansion in other levels of the planning system:
 - 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 industries⁵ that may emerge from the waste sector)

³ depot means a landfill depot, material recovery facility, transfer station or composting depot as defined in *Environment Protection (Waste to Resources) Policy 2010*. 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.

⁴ 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.

⁵ Green industries are primarily concerned with the supply of energy from renewable sources such as wind, solar, water and waste.

- future municipal waste management infrastructure (for example recycling and hard waste facilities, access for trucks) that will be required to service businesses and residents.
- key development areas for waste depots or sensitive land uses⁶ do not create land-use conflicts through exposure to unacceptable noise and air quality.

Development Plan Amendment

At the Development Plan Amendment (DPA) stage the EPA will have 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 air emissions and noise), or a rezoning near a closed landfill (which may pose risk of landfill gas intrusion).

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 where appropriate; if not the EPA will recommend additional investigations be undertaken.
 - any potential interface issues associated with waste depots; if not the EPA will recommend additional investigations be undertaken.
 - any potential landfill gas risks where development potential is created within 500 metres of an operating or closed landfill. The EPA may recommend a landfill gas risk assessment be undertaken in accordance with the *Landfill gas and development near landfills-advice for planning authorities and developers* (February 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.
 - references any interface or landfill gas issues associated with waste depots.
 - avoids or mitigates adverse effects of waste activities, including on-site waste management.

Development application and major development or project

At these stages the EPA's interest is in ensuring the waste management hierarchy is applied and that any waste produced during the undertaking of an activity is properly managed.

The EPA will also have an interest in the waste management measures that are proposed to minimise environmental impacts of referred activities and to prevent land-use conflicts between waste depots (including landfill gas risks) and sensitive land uses.

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.

⁶ 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 see [Evaluation distances for effective air quality and noise management](#) (2016).

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.
- proposed sensitive land uses not impact on operating waste depots, and, existing sensitive land uses are protected from the adverse impacts (such as odour, dust, noise, and litter, vermin, leachate and landfill gas) generated by waste depots, including closed landfills.
- expanding or new waste depots have appropriate design, construction and operational environmental management measures (and if required closure requirements), as outlined in the relevant guidelines and code of practices referenced in the Waste Policy to avoid and minimise environmental harm and off site impacts.
- waste derived fill is to comply with the processes outlined in the [Standard for the production and use of waste derived fill](#) (2013).

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>

General information

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8124 4670
Freecall: 1800 623 445 (country)
Website: <www.epa.sa.gov.au>
Email: <epainfo@epa.sa.gov.au>
