



22 November 2016

Waste Strategy & Innovation
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To whom it may concern,

The Australian Council of Recycling (ACOR) welcomes the opportunity to comment on the consultation paper "*New minimum standards for managing construction and demolition waste in NSW*".

ACOR is the peak national industry association representing a broad range of organisation within the resource recovery industry. We represent a diverse group of members, including local councils, public and private resource recovery and recyclers with different interests in the changes to the *Environment Operations (Waste) Regulation 2014* (NSW) (Waste Regulation) or the *Protection of the Environment Operations Act 1997* (NSW) (POEO Act). This submission reflects a brief consultation with ACOR members and possible areas of concern are specified below.

1. Introduction

- Interstate transporting of waste has become a serious problem, especially between the border of NSW and SE Queensland. While ACOR greatly appreciates the concession given to shredder flock, if the same principal was applied to other waste streams destined for landfill as no technological or commercial recycling option is available, this would

greatly reduce the risk of interstate traffic and would be revenue neutral or positive. While ACOR is working towards a bi-partisan approach for the return of the levy in Queensland with best endeavours this is still years away. Please find attached ACOR's policy on landfill levies which were fully implemented in the previous Queensland levy regime, removing the incentive to transport residuals over long distances and not distorting market prices for industry.

2. Construction and demolition waste industry reforms

- There should be further clarification of some definitions in the paper. For example, according to the paper, "mixed loads of waste to be unloaded and spread on a surface", the term "spread" and "surface" should be clearly defined. In addition, there should be a definition in the regulation of the term "recycling". Use of the Australian Standard should be considered.
- ACOR supports the resource recovery targets for the industry, starting at 70% and increases over time, with subject to consultation with key stakeholders. It is important to note that the recovery target should apply to every facility regardless of the size of the facility. More attention should be paid on the unintended consequences arising from the target setting such as recyclers receiving mixed loads that are not able to be recovered to the extent proposed.
- In terms of the production and use of recovered fines, there is a need for a general exemption for some specific uses of recovered fines, if it is not included in the general exemption.

3. Improving performance at landfills

- ACOR supports the recommendation that landfills should not be able to exhume waste and send it offsite for disposal at interstate facilities (for a waste levy refund). An offence to exhume waste should not apply where the exhumed waste is then lawfully disposed offsite in N.S.W in accordance with approved environmental and operational standards by EPA.
- ACOR supports the recommendation that landfills should not operate as transfer stations that send mixed loads of waste offsite for long distance transport and dispose them at interstate landfills (for waste landfill refund).

4. Improving handling of asbestos waste

- In general, more clarification of the Asbestos Protocol is needed to address both WHS and resource recovery aim to raise recyclers' awareness and understanding.
- There is a risk that the recovery target may not be achieved if the issues surrounding asbestos is not properly addressed or considered as a high priority.

5. Clarifying the application of transported waste deductions

- ACOR agrees with the proposal that a waste levy deduction should only be available to a facility where it is lawfully sending waste for recycling or recovery.
- It should be clear in the regulations that waste levy credit is only awarded to facility that achieved 80% recovery target.
- All receiving facilities such as transfer stations, landfills, recycling facilities, MRFs, etc. should be required to have appropriate planning approval and an Environmental Protection License.
- Clause 16 in the POEO Regulations should be reviewed to eliminate waste levy credits for the transport of waste to interstate landfill facilities.

6. Clarifying the application of the waste levy at resource recovery facilities

- ACOR supports the principle on proposed minor amendments to clarify the waste levy at resource recovery facilities.

7. Monitoring waste at licensed facilities

- ACOR supports the video monitoring requirement at all waste facilities, yet the data should only be kept for 12 months due to the cost of monitoring equipment and storage requirements. In addition, funds for this regulation can be drawn from the Waste Less Recycle More initiative.

8. Improved waste transport

- The removal of the Proximity Principle would seem to be a result of a lack of successful enforcement. However, the issues associated with long distance waste transport and should be an agenda item at a future meeting of Environment Ministers, especially between NSW and SE QLD (see ACORs policy position attached as an alternative approach).

9. POEO Act: changes to licensing requirements

- No comment is given in this area due to the lack of detailed information on the amendments.

Ultimately, no reforms will be successful without adequate enforcement. A more holistic review of the levy regime may be timely to address the perverse outcomes. ACOR welcomes the opportunity to contribute to the review of the consultation paper and stand ready to advise government following the outcomes of the consultation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grant Musgrove', written in a cursive style.

Grant Musgrove

Chief Executive Officer