

2. LEGISLATIVE AND PLANNING CONSIDERATIONS

This section provides a review of all the legislation and planning instruments relevant to the proposed RIRP.

2.1 COMMONWEALTH LEGISLATION

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* established an assessment and approvals procedure for, among other criteria, actions that will have or are likely to have a significant impact on matters of national environmental significance.

The Act identifies seven matters of National Environmental Significance:

- World Heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar wetlands);
- Threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

Under the provisions of *EPBC Act* actions that are likely to have a significant impact on a matter of National Environmental Significance are subject to the Commonwealth assessment and approval process. The Act also applies to proposals that may have a significant impact on Commonwealth land. The proposed RIRP does not affect Commonwealth land. The proposed development has no impact on the matters defined in the Act as national environmental significance and there are no other grounds on which the legislation would apply.

2.2 STATE LEGISLATION

2.2.1 EP&A Act

The proposed development is a project to which Part 3A of the *EP&A Act* applies. While this Part has recently been repealed, as an interim measure specific existing project applications including the proposed RIRP will continue to be assessed in accordance with the Part 3A provisions.

Section 75A of Part 3A of the Act defines a “project” as:

“project means development that is declared under section 75B to be a project to which this Part applies”

Sub-section 75B(1)(a) of the Act states:

“Projects to which Part applies

(1) General

This part applies to the carrying out of development that is declared under this section to be a project to which this part applies:

(a) by a State environmental planning policy, or"

Sub-clause 6(1) of State Environmental Planning Policy (SEPP) (Major Development) 2005 states:

"Identification of Part 3A projects

(1) Development that, in the opinion of the Minister, is development of a kind:

- (a) that is described in Schedule 1 or 2, or*
- (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies, or*
- (c) to the extent that it is not otherwise described in Schedules 1-3, that is described in Schedule 5.*

Is declared to be a project to which Part 3A of the Act applies."

Schedule 1 of SEPP (Major Development) 2005 contains the following definition:

"Resource recovery or waste facilities

- (1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:*
 - (a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or*
 - (b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or*
 - (c) is located in an environmentally sensitive area of State significance.*
- (2) Development for the purpose of waste transfer stations in metropolitan areas of the Sydney region that handle more than 75,000 tonnes per year of waste.*
- (3) Development for the purpose of resource recovery or recycling facilities that handle more than 75,000 tonnes per year of waste or have a capital investment value of more than \$30 million.*
- (4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.*
- (5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.*
- (6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:*
 - (a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or*
 - (b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste."*

The proposed RIRP will handle more than 75,000 tpa of waste and, as such, is considered to be a "Part 3A project" for the purposes of SEPP (Major Development) 2005.

Pursuant to Schedule 3 of the EP&A Regulation 2000 (the “Regulation”), of the proposed development is Designated Development being “Waste Management Facilities or Works”.

2.2.2 POEO Act

The proposed operations of the RIRP will be the subject of an Environment Protection Licence (EPL) under the *Protection of the Environment Operations Act (POEO) Act* issued by the Office of Environment and Heritage (OEH) to REMONDIS. In addition Billbergia will be required to obtain an EPL for the works associated with the proposed excavation of the site for the purpose of installation of site services.

2.2.3 Water Management Act 2000

In 2008 the *Rivers and Foreshores Improvement Act* was repealed and the controlled activity provisions in the *Water Management Act (WMA) 2000* commenced. A Controlled Activity Approval (CAA) is required for controlled activities carried out on waterfront land. Waterfront land includes all land within 40 m of the highest bank of a river. Applications for a CAA are lodged with the NSW Office of Water.

2.3 PLANNING INSTRUMENTS

2.3.1 State Environmental Planning Policies (SEPPs)

The relevant SEPPs applicable to the site and the proposed development are:

- SEPP (Infrastructure) 2007;
- SEPP (Major Development) 2005;
- SEPP No 33 – Hazardous & Offensive Development; and
- SEPP No 55 - Remediation of Land.

SEPP (Infrastructure)

The SEPP commenced on 1 January 2008.

Division 23 of the SEPP applies to “waste and resource management facilities”. The types of facilities are defined in Clause 120 as follows:

- *Resource Recovery Facility means a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of materials or goods or disposal of the material by landfill or incineration;*
- *Waste Disposal Facility means a facility for the disposal of waste by landfill, incineration or other means, including associated works or activities such as recycling, resource recovery and other resource management activities, energy generation from waste gases, leachate management, odour control and the winning of extractive material to generate a void or disposal or to cover waste after its disposal;*
- *Waste or Resource Management Facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility; and*

- *Waste or Resource Transfer Station means a facility for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.*

Clause 121 of the SEPP provides that development for the purpose of a waste or resource management facility may be carried out with consent. This section provides that development for the purpose of waste or resource management facilities other than development referred to in sub-clause (2) may be carried out by any person with consent on land in a prescribed zone. Sub-clause (2) refers to waste and resource transfer stations. This sub-clause is not applicable to the proposed RIRP.

Schedule 3 provides that:

Development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated natural material (as defined by the Protection of the Environment Operations Act 1997) or clean fill, may be carried out by any person with consent on land on which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument.

SEPP (Major Development) 2005

This SEPP was introduced in conjunction with the commencement of Part 3A of the *EP&A Act*.

Schedule 1 of the SEPP provided a list of the classes of development which can be considered major projects for the purposes of Part 3A of the Act. Clause 6(2) of the Policy specifies development that, in the opinion of the Minister, is a development of the kind described in the Schedules of the SEPP and is declared to be a Part 3A Project.

Resource and “waste related industries” is development that is described in Group 9 of Schedule 1 of the SEPP. Clause 27 (3) of Schedule 1 provides that:

Resource recovery or waste facilities

- (3) Development for the purpose of resource recovery or recycling facilities that handle more than 75000 tonnes of waste per year or have a capital investment of more than \$30 million.

The proposed RIRP meets the requirements of the SEPP as a “resource and waste related industry” in the terms of clause 27(3) of Schedule 1 of the Policy.

As the current proposal is development of a kind described in Clause 27(1), Part 3A of the *EP&A Act* applies.

The NSW Parliament has passed legislation to repeal Part 3A. As an interim measure under SEPP (Major Development) Amendment 2011 some classes of projects have been removed from Schedule 1 of the SEPP and these will consequently not be assessed under Part 3A. Transitional provisions have been included in the SEPP and legislation for certain existing project applications which will remain under Part 3A pending its repeal. This includes the proposed RIRP. Under these provisions the Minister will delegate his Part 3A determination to the Planning Assessment Commission for all significant applications made on behalf of private proponents. Less significant or non-controversial projects will be determined by the Department under delegation.

SEPP No 33 Hazardous & Offensive Development

The aims of the policy include:

- To ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account;
- To ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The information required to meet the aims of the Policy is provided in this EA (refer Sections 4, 6 and 7).

SEPP No 55 – Remediation of Land

This SEPP introduced state-wide planning controls for the remediation of contaminated land. Under the policy land must not be developed if it is unsuitable because it is contaminated. To assist in the implementation of the Policy, Managing Land Contamination: Planning Guidelines have been prepared.

Clause 7 of the SEPP requires that:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - a. It has considered whether the land is contaminated,
 - b. If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - c. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The Applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
 - a. Land that is within an investigation area.
 - b. Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.

Table 1 of the Guidelines includes “asbestos production and disposal”.

Section 3 of the EA and Technical Report No 1 provide an overview of the conditions of the site in terms of contamination. It summarises the findings of previous investigations and reporting in relation to site contamination.

In addition a site audit has been undertaken in accordance with the *Contaminated Land Management Act 1997* leading to the provision of a Site Audit Statement by an accredited site auditor. The Site Audit Statement is attached as Appendix C to the EA. The Audit found that the site is suitable for Commercial/Industrial use.

2.3.2 Sydney Regional Environmental Plans (SREPs)

Two SREPs are of relevance to the site and the application:

- SREP No 28 – Parramatta; and
- SREP (Sydney Harbour Catchment).

SREP No 28

The SREP applies to the site as it is located within the Regional Enterprise Zone in the Camellia Precinct under the Plan. The area of the site along the bank of the Parramatta River is zoned Environment Protection.

Objectives of the zone are applicable to the development. The EP&A Regulation (Plan Making) Regulation 2009 came into force on 1 July 2009. Under the Regulation, REP planning instruments are deemed to be SEPPs as of that date. The Regulation includes saving provisions, so that a provision of the REP that becomes a deemed SEPP on 1 July 2009 does not have the same effect as a provision of a SEPP for the purposes of Part 3A of the Act, it would not have that affect before 1 July 2009.

Section 75(R) of the *EP&A Act* provides that planning instruments (other than SEPPs) do not apply to or in respect to an approved project to which Part 3A of the Act applies. On the basis of the saving provisions this SREP does not apply. However for the sake of completeness the SREP planning considerations are summarised in this section.

The objectives of the Regional Enterprise Zone are as follows:

- (a) To achieve a prosperous and efficient regional eco-industrial estate the continues to capitalise on Camellia's strategic location and accessibility;
- (b) To allow a wide range of industrial and heavy industrial uses in Camellia serving the Greater Metropolitan Area of Sydney and beyond;
- (c) To ensure that development is carried out in a manner that does not detract from the amenity enjoyed by residents in neighbouring localities, the conservation of identified views, the commercial viability of the Parramatta City Centre or the efficient operation of the road system;
- (d) To ensure that development applies current environmental management best practice;
- (e) To maintain long-term opportunities for the future investment in development of Camellia as an eco-industrial precinct;
- (f) To ensure that the scale, design and materials of construction, and the nature of development, contribute positively to the visual quality of the locality;
- (g) To allow for and improve public access along the waterways, where natural values will not be diminished;

- (h) In the case of contaminated land that is currently not suitable for public access, to ensure that opportunities are not lost for future potential foreshore access;
- (i) To comply with the controls for Special Areas as set out in this Part.

The proposed development is permissible with consent within the Regional Enterprise Zone and the objectives are addressed in this EA.

The objectives of the Environmental Protection Zone are:

- (a) To conserve, manage and enhance biodiversity, vulnerable and threatened species and ecological communities, remnant habitat and the ecological viability of the land;
- (b) To protect and restore environmentally sensitive remnant habitats and communities;
- (c) To increase the community's awareness and appreciation of remnant habitats and biodiversity;
- (d) To protect and restore aesthetic, heritage, recreational, educational and scientific values of the bushland;
- (e) To allow uses for scientific and educational purposes.

No development work is proposed within the area defined by this zone. As part of the commitment to minimise disturbance to the site cap landscaping within the Environment Protection Zone has been designed utilising movable concrete containers. This also provides flexibility for meeting any future requirements in relation to provision of access for pedestrians/cyclists through the Environment Protection Zone.

A small area to the north of the RIRP site within the Billbergia property is zoned Open Space. This area includes a heritage site listed on Schedule 1 of the Parramatta Local Environmental Plan (LEP) 1996 (Heritage and Conservation) (refer Section 2.3.3).

The SREP imposes controls on the height of buildings in the Camellia Precinct aimed at ensuring that buildings do not overshadow the vegetated riparian areas and do contribute to the appearance of the foreshore. A building height limitation of 9 metres (m) applies to part of the site with a 12 m limitation for the remainder of the site. The proposed RIRP exceeds the height limit principally as a result of the need to construct a platform as a base for the plant operations. Construction of the platform eliminates the need to disturb the site capping other than for provision of site services (refer Section 4). The visual impact of the proposed RIRP is assessed in Technical Report No 8 and Section 7.7. A Landscape Master Plan has been prepared for the site with landscaping and the design of the buildings aiming to minimise visual impacts of the facility.

SREP (Sydney Harbour Catchment)

The SREP (Sydney Harbour Catchment) 2005 consolidated and repealed SREP No 22 – Parramatta River and SREP No 23 – Middle Harbour and amended SEPP No 56 – Sydney Harbour Foreshores and Tributaries. The site is located on land within the Sydney Harbour Catchment Foreshores & Waterways Area under the SREP.

The planning principles for land within the Foreshores and Waterways Area are as follows:

- (a) Development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores;

- (b) Public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation;
- (c) Access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation;
- (d) Development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores;
- (e) Adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses;
- (f) Public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes;
- (g) The use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes;
- (h) Water based public transport (such as ferries) should be encouraged to link with land based public transport (such as buses and trains) as appropriate public spaces along the waterfront;
- (i) The provision and use of public boating facilities along the waterfront should be encouraged.

These planning principles as they apply to Camellia are incorporated in the relevant objectives of SREP No 28 discussed above.

2.3.3 Parramatta LEP and DCP

The Planning Certificate issued under Section 149 of the *EP&A Act* (No 2009/4487) states that the land is affected by Parramatta LEP 1996 (Heritage & Conservation).

The objectives of this plan in relation to heritage are:

- To conserve the environmental heritage of the City of Parramatta; and
- To retain the cultural significance of the City of Parramatta; and
- To conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and heritage conservation areas; and
- To ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings; and
- To ensure that known or potential archaeological sites and places of Aboriginal significance are conserved; and
- To ensure that the heritage conservation areas throughout the City of Parramatta retain their heritage significance.

The Billbergia property within which the RIRP is to be located is listed in Schedule 1 of the LEP in respect of a grave of Eliner Magee and Child. This grave is located adjacent to the railway line outside of the lease area for the proposed RIRP and will not be affected by the proposed development (refer Technical Report No 11 and Section 7.10).

2.3.4 Draft Parramatta LEP and DCP

Parramatta City Council has prepared a new Draft Local Environmental Plan (draft LEP) which has been released for public exhibition. The exhibition period closed on 7 May 2010 and Council is considering all submissions received. It is supported by the draft Development Control Plan 2010 (draft DCP).

The EA addresses the draft planning controls in the draft LEP and draft DCP in addition to the requirements of the SREP No 28. The aims of the draft LEP in relation to the proposed development are:

- To encourage a range of development, including housing, employment and recreation, which accommodates the needs of the existing and future residents of Parramatta;
- To foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city;
- To minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas;
- To retain the predominant role of Parramatta's industrial areas; and
- To ensure that development does not detract from the operation of local or regional road systems.

Under the draft LEP, the site is zoned Heavy Industrial. The objectives of this zone are:

- To provide suitable areas for those industries that need to be separated from other land uses;
- To encourage employment opportunities;
- To minimise any adverse effect of heavy industrial on other land uses;
- To allow a wide range of industrial and heavy industrial uses serving the greater Metropolitan Area of Sydney and beyond; and
- For land within this zone that is contaminated and is currently not suitable for public access to ensure that opportunities are not lost for future potential foreshore access.

Under the zoning waste storage, processing and recycling facilities are permissible with consent. The zone objectives are addressed in this EA.

The area along the banks of the River zoned Environment Protection under the SREP is covered by draft LEP Clause 6.9 Environmental Protection.

The objective of this clause is to manage and maintain the integrity of identified riparian land and waterways, and area of terrestrial and aquatic biodiversity significance, which includes:

- Protecting water quality within waterways;

- Protecting natural water flows;
- Protecting stability of the bed and banks of waterways;
- Protecting the hydrological and ecological functions of riparian land and wetlands; and
- Biological diversity, native flora and fauna and their habitats.

These objectives are addressed in the EA.

Before determining a development application to which this clause applies, the consent authority must consider whether the development will have an adverse effect on:

- The quantity of natural water flows to receiving waters;
- The water quality of receiving waters including aquifers;
- The waterway's natural flow paths;
- The stability of the waterway's bed, shore and/or banks;
- The hydrological and biological function of the waterway, riparian zone or wetland;
- Native flora and fauna, their habitat, and their relationship with the environment; and
- The movement and dispersal of native flora and fauna.

The site is also covered by draft LEP Clause 4.3 Height of Buildings. The height limitations are the same as those specified in the SREP.

The purpose of the draft DCP is to supplement the draft Parramatta LEP and provide more detailed provisions to guide development.

Under the draft DCP, the site is located within the Camellia and Rydalmere Strategic Precinct. Camellia is identified as a significant industrial hub. New industrial developments will need to comply with stringent environmental controls and operate sustainably.

The draft DCP sets out overall precinct objectives which have been incorporated into the design and planning of the proposed RIRP. In particular the facility must aim to minimise energy and resource use and reduce impacts to off-site air quality or disturbance by noise, odour, dust, water, soil and contamination.

The site is located within an "Area of Height Sensitivity" in relation to the views from the University of Western Sydney Rydalmere Campus, the River Corridor and the Pennant Hills open space ridge line. Section 7.7 and Technical Report No 8 assess the visual impact of the proposed RIRP.

In relation to flooding, the draft LEP and DCP set out requirements relating to development controls on flood prone land which are applicable to the site. Flooding requirements are addressed in Section 7.2 of this EA and Technical Report No 2.

2.3.5 Other Planning Policies

The Metropolitan Strategy

The NSW Government's Metropolitan Strategy provides a framework for the future development of Sydney (refer Technical Report No 10). It identifies employment and housing growth targets for sub-regions within Sydney to accommodate anticipated population growth to 2031. Economic, social and environmental sustainability are the guiding principles for the Sydney Metropolitan Strategy. The Strategy includes the aim of strengthening economic competitiveness which is relevant to achieving the sustainability and employment objectives for the Camellia area:

Key objectives with regard to Strengthening Economic Competitiveness include to:

- Increase the number of jobs in Western Sydney by 237,000 (close to half the new jobs in Sydney) with an emphasis on more skilled jobs and stronger links to the global economy;
- Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands;
- Utilise local assets to encourage learning and innovation;
- Embed skills development in major redevelopment projects;
- Increase integration of employment and housing markets; and
- Encourage emerging businesses.

The proposed RIRP is consistent with the objectives of the strategy.

Parramatta Twenty25

This Strategic Plan, developed in consultation with Parramatta's diverse community, aims to guide the city's growth over the next 20 years (refer Technical Report No 10). The concept of sustainability underpins the strategy. Meeting sustainability objectives, such as those expressed in the Parramatta Twenty25 strategic plan, is dependent on facilities, such as the proposed RIRP, to recycle a wide range of wastes. The proposal represents an innovative means of achieving greater levels of sustainability for Parramatta and the wider Sydney metropolitan area.

2.3.6 Section 94A Development Contributions Plan

REMONDIS agree to meet the requirements of the Parramatta City Council Section 94A Development Contributions Plan 2007. The Plan applies to all land within the Parramatta LGA with the exception of Parramatta City Centre. The Plan applies to applications for development consent and complying development certificates which are not listed as exempt under Section 3.7 of the Plan. The Plan applies to the proposed RIRP. Schedule 2 of Part A of the Plan specifies that a contributions levy of 1.0% of the proposed cost of carrying out the development be paid to Council. The cost is determined in accordance with Appendix A of the Plan.

The primary purposes of the plan are:

- To authorise the imposition of a condition on certain development consents and complying development consents requiring the payment of a contribution pursuant to Section 94A of the *EP&A Act*;

- To assist the Council to provide appropriate public facilities which are required to maintain and enhance amenity and serviceability of the area; and
- To publicly identify the purpose for which the levies are required.

2.4 NEED AND JUSTIFICATION FOR THE DEVELOPMENT

2.4.1 Policy Context

In recent years the fate of many 'clean tech' industries has been fundamentally altered by the legislative context in which they operate. An example of this is the stop-start growth of the solar industry through the introduction of various changing state and local government subsidies and schemes. The policy context for waste management and resource recovery both locally and nationally will likely change the markets particularly for organic material significantly over the next ten years. There is likely to be the development of some significant new markets and opportunities for businesses as regulatory and legislative change occurs (refer Technical Report No 9).

National Waste Policy and Organic Waste

Australia's environment ministers agreed to a new national policy on waste and resource recovery in November 2009, the first since 1992. The National Waste Policy: Less Waste, More Resources sets the agenda for waste and resource recovery in Australia over the next 10 years and includes strategies to monitor and address organic waste.

The National Waste Policy provides a broad context and direction for waste management in Australia over the next ten years. The Policy, finalised in November 2009, updates and integrates Australia's policy and regulatory framework by building on existing arrangements. It provides a nationally agreed direction and is to be implemented by individual jurisdictions and through collective action by the Commonwealth and State and Territory governments. The policy encompasses wastes, including hazardous wastes and substances, in the municipal, commercial and industrial, construction and demolition waste streams and covers liquid, gaseous and solid wastes. The aims of the National Waste Policy are to:

- Avoid the generation of waste, reduce the amount of waste (including hazardous waste) for disposal;
- Manage waste as a resource;
- Ensure that waste treatment, disposal, recovery and re-use is undertaken in a safe, scientific and environmentally sound manner; and
- Contribute to the reduction in greenhouse gas emissions, energy conservation and production, water efficiency and the productivity of the land.

The policy sets directions in six key areas and identifies 16 strategies across these areas. Of the key policy areas, the four most relevant to the proposed RIRP include:

- Taking responsibility - Shared responsibility for reducing the environmental, health and safety footprint of products and materials across the manufacture-supply-consumption chain and at end-of-life;
- Improving the market - Efficient and effective Australian markets operate for waste and recovered resources, with local technology and innovation being sought after internationally.

- Pursuing sustainability - Less waste and improved use of waste to achieve broader environmental, social and economic benefits; and
- Reducing hazard and risk - Reduction of potentially hazardous content of wastes with consistent, safe and accountable waste recovery, handling and disposal.

Of the key priority strategies, the most relevant are:

- Strategy 5 - National principles, specifications, best practice guidelines and standards to remove impediments to effective markets for potential wastes;
- Strategy 6 - Access to knowledge and expertise in sustainable procurement and business practices;
- Strategy 7 - Continued government focus to reduce the amount of biodegradable material sent to landfill; and
- Strategy 10 - Improvements in waste avoidance and re-use of materials in the commercial and industrial waste stream.

The proposed RIRP would support the National Waste Policy and address growing demand for the treatment and processing of organic material by:

- Providing and supporting the development of markets for potential wastes;
- Providing access to knowledge and expertise;
- Reducing the amount of biodegradable material in landfill; and
- Providing a source for the re-use of recycled C&I waste.

Key strategies in the policy to address issues associated with organic waste include:

- Continued government (particularly state and territory government) focus to reduce the amount of biodegradable material sent to landfill;
- Management of safety and health risks arising from landfill gas emissions; and
- Development of a strategy for emissions from landfills and other waste activities not covered by the operation of a future Carbon Pollution Reduction Scheme (or other greenhouse gas related policy).

The Australian Government, in consultation with state and territory governments, is considering ways to improve the sustainability of organic waste through the National Waste Policy. Options include:

- The expansion of energy production from organic wastes;
- Taking action to address greenhouse gas emissions from organic wastes, and
- Standards and guidance for organic waste products such as mulch, compost and soil conditioners to increase their uptake in consumer markets.

Implications

All of these options have potential to both positively and negatively affect the viability of the proposed RIRP at Camellia. For example, in order to limit the amount of organic material sent to landfill, economic instruments such as increasing the NSW waste levy are likely to add incentive to local government and commercial operators to source separate more organics from material bound for landfill, thus creating a larger market for processors of organics.

Likewise in July 2010, the NSW Government jettisoned 'justifiable demand' as the core criteria for new landfills in the Sydney basin. Instead the new criteria shift the emphasis towards increased waste recovery, including whether waste bound for a new landfill has first been minimised through some kind of resource recovery.

Standards and regulations for the production of organic waste products such as mulch and compost will likely increase the costs of producing these products. However, this may well be offset by economies of scale and the availability of more and cleaner material ensuring a less contaminated, more consistent and marketable product.

Increased consumer interest and knowledge of 'green issues', as well as increased commercial and government markets for recycled organics (for example catchment remediation work) is likely to provide a significantly increased demand for recycled organic products including energy production and compost.

As well as reducing emissions of landfill gas, better management of organics can produce additional benefits. For example, a tonne of composted mulch applied in agriculture can sequester 25 kg of carbon in soil and at the same time improve soil fertility and assist in water retention. As such, it is likely that if a Carbon Pollution Reduction Scheme or carbon tax is introduced, new markets for materials will also be created where there have been limited markets in the past.

NSW Government Sustainability Policy

This policy, produced by the Department of Environment and Climate Change (DECC now OEH), outlines principles through which the NSW Government will become more sustainable in its water and energy use, greenhouse gas emissions, waste and fleet management and purchasing, with the aim of becoming carbon neutral by 2020 (refer Technical Report No 10). The Policy incorporates the existing Waste Reduction and Purchasing Policy.

Targets for waste and recycling include:

- A minimum of 85% of copy paper to contain recycled component by 2014; and
- Recycled content options to be included in publication quotes from 2008/09.

Under the policy, all government agencies and state owned corporations must implement a Waste Reduction and Purchasing Plan (WRAPP) to reduce wastes of paper products, office equipment, vegetation and construction and demolition waste. Regular reporting requirements are specified. This policy supports a market for recycled product and requires government agencies to consider waste implications of their purchasing decisions. The proposed RIRP would assist in the production of products using recycled waste, and would also accept waste from offices for recycling, thus reducing the waste stream going to landfill.

Streamline Sustainable Business Program

Parramatta City Council supports a number of programs "to encourage sustainable business practice and to enable businesses to access affordable, practical initiatives which will provide

economic benefits, enhance reputation and promote our city as a Sustainable City of the future". Programs are tailored to a range of company sizes and activities, including manufacturing enterprises.

Following advice from the Institute for Sustainable Futures in 2009, Parramatta and Auburn City Councils have developed a joint initiative which aims to empower local businesses to become environmentally and socially responsible. Businesses in Camellia, Rosehill, Clyde, Granville, Rydalmere, Silverwater, Auburn and Lidcombe, within the Duck River Catchment, have been invited to join the Streamline Sustainable Business Program. Those participating will receive benefits including a free electricity walkthrough assessment, a tailored action plan and the opportunity to apply for a rebate of up to \$5000 for energy efficiency improvements.

This program shows the commitment of Parramatta City Council to encouraging environmentally responsible industries. It further supports the objectives of the Regional Enterprise Zone and of the Camellia and Rydalmere Strategic Precinct.

2.4.2 The Waste Avoidance and Resource Recovery Act (WARR Act)

The *Waste Avoidance and Resource Recovery Act (WARR Act) 2001* establishes the strategic direction for waste management and resource recovery in NSW. The objectives of the *WARR Act* stated in Part 1, Section 3 of the Act include:

- (a) To encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development;*
- (b) To ensure that resource management options are considered against a hierarchy of the following order:
 - i) Avoidance of unnecessary resource consumption;*
 - ii) Resource recovery (including reuse, reprocessing, recycling and energy recovery);*
 - iii) Disposal.**
- (c) To provide for the continual reduction in waste generation;*
- (d) 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;*
- (e) To ensure that industry shares with the community the responsibility for reducing and dealing with waste;*
- (f) To ensure the efficient funding of waste and resource management planning, programs and service delivery;*
- (g) To achieve integrated waste and resource management planning programs and service delivery on a state wide basis;*
- (h) To assist in the achievement of the objectives of the Protection of the Environment Operations Act 1997.*

2.4.3 Waste Avoidance and Resource Recovery Strategy 2007

Resource NSW (now part of DECCW) released the Waste Avoidance and Resource Recovery Strategy in February 2003. This strategy sets out waste reduction, resource recovery and diversion of waste from landfills for the State. It was updated in 2006 through the release of the Waste Avoidance and Resource Recovery Strategy and Performance Report 2006. The key result areas and targets identified in Waste Strategy 2003 were retained in the Waste Avoidance and Resource Recovery Strategy 2007. The four key outcome areas and their targets are shown in Table 2.1.

Table 2.1
Broad Targets for each Outcome Area in the WARRS 2007

OUTCOME AREA	TARGET
Preventing and avoiding waste	To hold level the total waste generated for the next 5 years.
Increasing recovery and use of secondary resources	By 2014, to: <ul style="list-style-type: none">• Increase recovery and utilisation of materials from municipal sector from the current 26% to 66%;• Increase recovery and utilisation of materials from the commercial & industrial sector from the current 28% to 63%; and• Increase recovery and utilisation of materials from the construction & demolition sector from the current 65% to 76%.
Reducing toxic substances in products and materials	By 2014 or earlier: <ul style="list-style-type: none">• To phase out priority substances in identified products as a first choice or if not possible to achieve maximum recovery for re-use; and• Where identified products containing these priority substances require disposal as a last resort, the permitted "leachability" of the substances will be reduced to the levels that are permitted for inert waste.
Reducing litter and illegal dumping	<ul style="list-style-type: none">• Reduce total volume and tonnages of litter reported annually; and• Reduce the total tonnages of illegally dumped material reported by regulatory agencies and RID squads annually.

2.4.4 Recent Review of the WARR Strategy

The Richmond Review of Waste Strategy and Policy in NSW (December 2010) considered 4 Themes and 23 enhancements to provide stronger drivers to achieve the 2014 diversion targets in the WARR Strategy:

- Theme 1 Overall adequacy of the WARR strategy and targets:
 - WARR Strategy sub targets;
 - WARR Strategy implementation plan;
 - Better data on targets; and
 - DECCW's waste management capability.
- Theme 2 Waste management sector performance:
 - Best practice for managing municipal waste;
 - Promotion and education;
 - Targeting priority wastes;
 - Local infrastructure for collection of other wastes;
 - Best practice for managing C&I wastes;
 - Place – based waste management; and
 - Financial assurance policy.

- Theme 3 Resource allocations and pricing signals:
 - Funding better waste outcomes;
 - AWT output exemption;
 - Exemption expert panel or peer review;
 - Energy from waste;
 - Waste infrastructure and sustainability fund; and
 - Innovation and Investment.
- Theme 4 Government performance:
 - Coordination of DECCW's waste responsibilities;
 - Waste and sustainability Industry forum;
 - Waste Infrastructure strategy;
 - Land use planning;
 - New entrants to infrastructure market; and
 - National waste Agenda.

The discussion draft: Strategic Directions and Implementation Plan 2011 – 2015 identifies 5 Focus Areas

- Making it easier for Households to manage their waste;
- Making it easier for Businesses to manage their waste;
- Reducing or removing problem wastes from the waste streams to ensure that resource recovery is cost effective and produces environmentally safe material;
- Facilitating investment in waste infrastructure; and
- Reducing litter and combating illegal dumping.

There are several strategy initiatives for each Focus Area.

Strategies that impact on the REMONDIS proposal are:

- The removal of the 2013 expiry date for the use of AWT derived compost on agricultural land and developing an agreed trial program to assess the impacts of physical contaminants in AWT compost by 31 December 2014;
- Supporting the development of new facilities to maximise recovery of materials from mixed C&I wastes;
- Encouraging large Businesses to move to a best practice model of source separated materials and /or alternative treatment by 31 December 2012;
- Encouraging other small/medium businesses to best practice model of a two-bin system;
- Encouraging Councils to adopt best practice models of household collection bins with a minimum of three-bin system for (i) dry recyclables (glass,plastics,paper and card board) to move towards a 75% best practice recovery rate;
- Promoting the separation of food waste by funding the use of Australian Standard compostable bags for the collection of household food waste (where the waste does not go

to alternative treatment plants) and encouraging collection of mixed food and garden wastes for composting or energy production in major population centres; and

- Releasing an updated energy from waste policy for stakeholder consultation by July 2011.

2.4.5 REMONDIS Proposal

The proposed RIRP is in accordance with the intent of the WARRS 2007 and subsequent enhancements in that it will increase the recovery of materials from both the municipal and commercial/industrial sectors. As a result it will decrease the amount of waste going to landfill.

The Camellia site is central to the supply of C&I materials and will result in reduced transport distances and associated costs and improved environmental performance. The facility will recover recyclable materials and convert the putrescible fraction into a biologically stable product. Only material without any use will be disposed of at an inert landfill.

The proposed SSORRF will process separated organic materials which have been collected at the Kerbside from metropolitan LGAs. This will ultimately produce organic fertilisers and compost products and reduce the amount of material going to putrescible landfills in Sydney. There is strong demand in NSW for organic fertilisers and composts in the domestic and agricultural sectors.

2.4.6 Alternatives

REMONDIS has evaluated a number of alternative locations for the proposed RIRP. The process involved identifying potential sites within Western Sydney based on criteria which included appropriate size, distance from the market, zoning, cost and potential environmental constraints. Sites were identified at Bankstown, Chullora, Greenacre and Camellia. The Camellia site offered a number of significant operational and environmental benefits based on its location, access to the major road transport networks, size and suitability for construction and operations of the RIRP. Environmental management controls can be readily accommodated on the site.

The “do nothing” option would result in a lost opportunity to contribute to meeting the targets in the WARRS 2007 by not recovering and utilising materials from the C&I and Source Separated Organic Material (SSOM) waste streams and reducing landfill demand.