

Investigation into the Transport of Waste into Queensland

Submission no. 0014

Name Local Government Association of Queensland Ltd
(LGAQ)



26 September 2017

The Honourable Peter Lyons QC
Investigation into the Interstate Transport of Waste into Queensland

Email: submissions@qldwasteinvestigation.com.au

Dear Mr Lyons,

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide a submission to assist the Investigation into the Interstate Transport of Waste into Queensland.

Although disappointed with the short consultation timeframes, the LGAQ has consulted with Queensland councils that are actively engaged in the provision of a range of waste management and resource recovery activities.

South East Queensland (SEQ) councils and those adjacent to and bordering New South Wales operate approximately 150 waste facilities including landfill sites, transfer stations and resource recovery and recycling facilities. Councils make a significant contribution to the provision of waste infrastructure and although there is significant interest in this investigation from the private waste industry, I ask that you take into consideration the environmental, economic and social contributions made by local government.

If you have any questions regarding the matters raised in this submission, please do not hesitate to contact Mr Robert Ferguson, LGAQ - Senior Advisor – Environmental and Public Health, on _____
or via email at _____

Yours sincerely _____

GREG HALLAM PSM
CHIEF EXECUTIVE OFFICER



***Investigation into the Transport of Waste
into Queensland***

LGAQ Submission

Local Government Association of Queensland Ltd

26 September 2017

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

1. Executive Summary

The local government sector is a key provider and manager of waste infrastructure in Queensland. South East Queensland (SEQ) councils and those adjacent to and bordering New South Wales operate approximately 150 waste facilities including landfill sites, transfer stations and resource recovery and recycling facilities. These operations represent a significant investment in the provision of waste infrastructure and services by councils and make a substantial contribution to regional economies and the communities they service.

The LGAQ acknowledges the Queensland Government's commitment to investigate the interstate transport of waste from New South Wales to find a range of appropriate mechanisms to respond to this perceived issue. It is understood that the investigation will identify the financial, regulatory and other incentives of the movement of waste from other States, identify appropriate regulatory frameworks and investigate what other jurisdictions are doing across Australia.

Although the LGAQ supports the identified Terms of Reference (ToR), it is disappointing that the scope of the investigation does not give consideration to the broader challenges associated with the attainment of broader resource recovery targets across Queensland.

In responding to the investigations ToR, the LGAQ recommends:

Recommendation 1: The LGAQ recommends investigating options for the State Government to amend existing EA's to impose further conditions limiting where waste may be accepted (similar to NSW proximity principle).

Recommendation 2: The LGAQ does not support a cost shift to local government to address the waste charge differentiation without full cost recovery for councils funded by the State Government.

Recommendation 3: The LGAQ recommends a review, in full consultation with local government of the Queensland Waste Avoidance and Resource Productivity Strategy 2014-2024.

Recommendation 4: The LGAQ recommends a further investigation by the State Government into the need for improved monitoring of landfill airspace across Queensland.

Recommendation 5: The LGAQ seeks a commitment that there will be no imposition of additional State waste charges levied on the collection of domestic kerbside waste.

2. Introduction

The LGAQ welcomes the opportunity to provide a submission to assist the independent investigation into the transport of waste into Queensland.

3. LGAQ Policy

The LGAQ's Policy Statement 2016¹ is a definitive statement of the collective voice of local government in Queensland. This statement identifies the position of local government in relation to a number of key issues.

The position of local government as relevant to the waste related matters pertaining to this investigation, are as follows:

- 5.4.1 Waste Management Strategy;
- 5.4.4 Waste Management and Recycling Levy;
- 5.4.7 Recycling; and
- 5.4.11 Alternative Waste Technologies.

5.4.1 Waste Management Strategy

5.4.1.1 Local government supports the development and implementation of a comprehensive Waste Avoidance and Resource Productivity Strategy for Queensland.

5.4.1.2 Local government supports the development and implementation of a comprehensive strategy for the development of the waste and secondary resource industry that is complementary and integrated with the Waste Avoidance and Resource Productivity Strategy for Queensland.

5.4.1.5 Local government supports education and awareness campaigns being developed to focus on 'selling' waste minimisation and recycling to the community and small to medium-sized enterprises.

5.4.4 Waste Management and Recycling Levy

5.4.4.1 The imposition of a State waste levy on the collection of domestic kerbside waste is opposed by local government.

5.4.4.2 A waste levy should only be considered if it:

- a) Directly targets problem waste streams or those where there is potential for considerable gains in terms of recycling; or
- b) Provides industry with the confidence to invest in new waste management and recycling infrastructure and technology knowing that there will be consistent application of principles and standards.

5.4.4.3 Funds raised through the introduction of a waste levy should be fully returned to waste related activities.

5.4.7 Recycling

5.4.7.1 Local government is strongly committed to the introduction of economically, environmentally and socially sustainable recycling schemes.

5.4.7.2 Local government supports the removal of regulatory barriers which unnecessarily restrict the wide implementation of economically, environmentally and socially sustainable recycling schemes.

¹ Available at <http://www.lgaq.asn.au/documents/10136/48c73637-4038-46e1-91a0-535a16e367dd>

5.4.7.3 Local government strongly supports the principle of the integration of waste management from 'cradle to grave', especially with a focus on those waste minimisation options at the top of the waste management hierarchy: waste avoidance and reduction, and materials re-use and recycling.

5.4.7.4 Local government supports the development of expanded markets for recyclables through influencing government policy and committing to promoting and marketing recycled products.

5.4.11 Alternate Waste Technologies

5.4.11.1 Research into and incentives for alternate waste technologies should be included in the development of the Waste Avoidance and Resource Productivity Strategy for Queensland as an alternative to landfill disposal where socially, environmentally and economically viable.

5.4.11.2 Federal and State Governments assistance in the form of subsidies or grants may need to be considered if local governments are to be encouraged to utilise these options, where appropriate, in lieu of traditional landfill operations.

4. Response to the Investigation

The LGAQ has consulted with Queensland councils that are actively engaged in a range of waste management and resource recovery activities.

The LGAQ notes the very short consultation timeframes for the investigation which was disappointing. We have received feedback that more councils may have provided input if they were afforded more time.

The following comments and recommendations are provided to assist the investigation.

4.1 Financial, regulatory and other incentives

The interstate transport of waste is primarily an economic matter as it is currently more economically viable to transport waste long distances interstate due to the existence of a waste levy in NSW.

The removal of the waste levy in Queensland in 2012 has removed a significant financial barrier for the NSW waste industry to transport waste to privately owned landfills in SEQ.

The decision of the NSW State Government not to enforce the proximity principle has removed a significant impediment to the transport of waste to Queensland.

Privately owned landfill operations across Queensland need to comply with their existing environmental authority (EA) and development approval (DA) and in doing so are not operating illegally and subsequently are not committing any offences in Queensland by accepting waste from NSW.

4.2 Regulatory frameworks

The use of land for waste disposal is an environmentally relevant activity and requires approval under the *Environmental Protection Act 1994*. In addition to this approval, these facilities also require development approval under the *Planning Act 2016*.

A waste facility operating in a compliant manner and in accordance with their environmental and development conditions is operating lawfully. It would require an amendment to their existing approvals to respond to the transport of interstate waste issue. It would however be inappropriate for a local government to seek an amendment itself under the *Planning Act 2016* to amend an existing development approval.

It is the State Government's responsibility to seek any amendment to an existing environmental authority under the *Environmental Protection Act 1994*. Under section 215(1)(a), section 215(2)(n) and section 215(2)(q) of the *Environmental Protection Act 1994*, the Department of Environment and Heritage Protection (DEHP) may give consideration to an amendment deemed necessary because of 'a significant change in the way in which, or the extent to which, the activity is being carried out' if the State prescribes an appropriate circumstance for the amendment.

Alternatively, the State Government may seek to amend an EA via Regulation if it considers the amendment necessary or desirable because of "another circumstance prescribed under a regulation". An EA may be able to be utilized to impose a further condition on environmental authorities for waste disposal sites located in Southern Queensland requiring that waste not be accepted if it has been transported more than 150km for its source to the waste disposal site. The 150km limit is consistent with what is understood to be same range limit imposed on NSW waste transport operators, and consideration should be given to imposing that 150km travelling limit for the same reasons as those imposed on NSW waste transport operators. Whilst such a condition would not prohibit all waste from NSW, it would appear to limit that waste to source from the north of NSW only.

Councils could introduce a local law as a further layer of regulation on waste disposal sites, however this would be in addition to existing legislative responsibilities under the *Environmental Protection Act 1994* and the *Planning Act 2016* however legal advice indicates significant doubt on whether this would pass a State interest check.

Recommendation 1: The LGAQ recommends investigating options for the State Government to amend existing EA's to impose further conditions limiting where waste may be accepted (similar to NSW proximity principle).

4.3 Jurisdictional responses

NSW waste disposal fees incorporate both a waste levy (\$138.10/tonne in metropolitan areas) and gate fees as part of an overall landfill waste disposal charge. These amount to combined charges of between \$250-\$350/tonne for the disposal of waste.

Queensland councils charge waste disposal fees, collected as gate fees at council owned landfill sites. These charges vary considerably in southern Queensland councils broadly ranging from approximately \$90 - \$200/tonne.

City of Gold Coast (CoGC) council has recently addressed concerns about the transportation of a significant quantity of waste from northern NSW, brought about by the discrepancy in waste disposal charges with NSW.

In 2017/18, the CoGC increased their waste disposal charges for waste originating from outside city limits to \$200/tonne. This has now stemmed the flow of interstate waste to the Gold Coast, however this has only displaced the transport of waste to other SEQ landfill sites outside their own local government jurisdiction.

A mandatory increase in gate fees for council landfill operations in southern Queensland is not supported. Many smaller council facilities do not have weighbridges, are unsupervised and not secured. These facilities would require significant upfront and ongoing financial support from government to implement any strategies to address waste charge differentiation between local and non-locally generated waste and/or domestic and commercial waste. Any subsequent cost shift to local ratepayers would not be supported.

Recommendation 2: The LGAQ does not support a cost shift to local government to address the waste charge differentiation without full cost recovery for councils funded by the State Government.

4.4 Policy Settings

Queensland's waste strategy *Queensland Waste Avoidance and Resource Productivity Strategy 2014-2024* should provide a framework that gives clarity and certainty to manage waste diversion and targets to improve the recycling rates through the reduction of the amount of waste going to landfill.

Unfortunately, the credibility of Queensland's waste strategy appears to be undermined by this current activity and community perceptions.

Furthermore, the efforts and credibility of local government, particularly many southern Queensland councils, who invest significant time, education and resources with their communities to reduce waste to landfill, has been impacted by the perception of failing to respond to this issue.

Recommendation 3: The LGAQ recommends a review, in full consultation with local government of the Queensland Waste Avoidance and Resource Productivity Strategy 2014-2024.

4.5 Regional Landfills/Sustainability

There is a current lack of visibility regarding overall regional airspace or consumption from interstate waste movements. Greater clarity in relation to this issue is required to provide certainty in the provision of waste management across Queensland.

Waste should not be transported unnecessarily long distances and all tiers of government should assist local communities to manage their waste as close as practicable to its place of generation and should clearly support the principles of the waste management hierarchy.

In addition, some councils do not have council owned and operated landfills within their local government area and rely upon privately owned and/or external landfills for its waste.

Landfill airspace is a valuable and limited asset. As is a growing trend in metropolitan areas, more southern Queensland councils will be closing their landfills in the next 5-10 years and relying on private regional landfills. An increased lack of transparency in private landfills capacity will commensurately increase the risk from an infrastructure planning perspective, with growth in demand not matching available capacity.

Recommendation 4: The LGAQ recommends a further investigation by the State Government into the need for improved monitoring of landfill airspace across Queensland.

4.6 Financial Sustainability

The LGAQ supports the need for greater coordination at a national level in relation to this matter. The treatment of problem wastes should also be tackled at a national level with any improved harmonization between States not being a cost shift to local government.

Queensland councils do not want to be at a financial disadvantage should the wider levy discussion be invoked. The LGAQ reiterates its support for avoidance of a levy on all domestic waste managed with an overall cost neutral position.

Recommendation 5: The LGAQ seeks a commitment that there will be no imposition of additional State waste charges levied on the collection of domestic kerbside waste.

Should you require further assistance in relation to this matter please do not hesitate to call
LGAQ - Senior Advisor – Environmental and Public Health on _____ or via email at _____