9.2. Our Place

9.2.1 RESPONSE TO PETITION - WASTE TO ENERGY

This Report is For Public Record

Responsible Director: Director Infrastructure and Development, Michael Annear
Responsible Officer: Acting Executive Manager Infrastructure, Danny Eaton
Attachments:
1. CONFIDENTIAL ATTACHMENT - Biomass Petition to Council as at 21 Sep 2021 [**9.2.1.1** - 2 pages]
2. ACT Waste to Energy Policy 2020-25 [**9.2.1.2** - 12 pages]
3. Recycling Victoria: A new economy - State Government Policy [**9.2.1.3** - 46 pages]
4. Recycling Victoria - Factsheet [**9.2.1.4** - 4 pages]
5. EPA - Guideline: Energy from Waste [**9.2.1.5** - 6 pages]

Executive Summary

A petition was received with 10 signatures on 16 August 2021 requesting that Council follow the lead of the Australian Capital Territory (ACT) Government and prohibit new facilities proposing thermal treatment of waste by means of incineration, gasification, pyrolysis or variations of these for energy recovery, chemical transformation, volume reduction or destruction in the Shire. On 21 September 2021 Council received notification that "*the petition has now been signed online by 101 residents and ratepayers of Mount Alexander Shire".* On 11 October 2021, a total of 146 signatories had been forwarded to Council. The petition is a confidential attachment (Attachment 7.2.1) as it discloses personal contact information.

RECOMMENDATION

That Council:

1. **Notes the information provided by Officers.**

2. **Writes to the lead petitioner to advise that Council will not be adopting the policy position of the ACT Government in relation to waste to energy facilities for the reasons noted in this report and that any future planning permits applications for such facilities will be considered against the requirements of the Mount Alexander Shire Planning Scheme of the time.**

Context

Council has received a petition with a total of 146 signatories requesting Council to prohibit new Waste to Energy facilities as determined by the ACT Government.

ACT Waste-to-Energy Policy

The *ACT Waste to Energy Policy 2020-25* (Attachment 7.2.2) was adopted by the Australian Capital Territory (ACT) Government following the development of the (2018) Waste Feasibility Study Roadmap which identified that the ACT was unlikely to reach its 90% resource recovery target by 2025 and the (2019) *ACT Climate Change Strategy 2019-25.* All three pieces of work had significant territory wide consultation with community and key stakeholders.

The following excerpt is taken from the ACT Waste-to-Energy Policy 2020-25

This policy will cover all thermal waste-to-energy technologies including incineration, gasification or pyrolysis of waste, seeking to recover energy, chemically transform or reduce the volume of waste before disposal. It will also cover the production and processing of RDF, including processed engineered fuel (PEF), non-thermal technologies such as anaerobic digestion and the use of landfill gas capture.

The Policy goes on to state that:

"*New facilities proposing thermal treatment of waste, (by means of incineration, gasification, pyrolysis or variations of these for energy recovery, chemical transformation, volume reduction or destruction) will not be permitted in the ACT. The only exception to this is for the safe disposal of medical and biological waste"*

"Improvements to waste management in the future will focus on further reducing the volume of waste going to landfill, starting with waste avoidance in line with the waste hierarchy. Therefore, waste management solutions which promote thermal treatment of waste are not considered to be appropriate in the ACT context at this time."

"Waste-to-energy facilities / activities established before the date this policy takes effect including thermal treatment of waste in the ACT are outside the scope of the policy and will not be impacted by it... Existing waste-to-energy activities will be encouraged to improve their environmental impact over time"

Issues

Victorian Context

In February 2020, the State Government released *Recycling Victoria: A new economy* (Attachment 7.2.3). This 10-year policy and action plan for waste and recycling outlines the State Government's plan to reform and establish a reliable recycling system and transition to a circular economy. There are 9 key areas:

- Kerbside reform.
- Stronger recycling oversight.
- New rules to cut waste.
- Waste to energy.

- High risk and hazardous waste management.
- Reducing business waste.
- Invest in priority infrastructure.
- Provide support for local communities and councils.
- Behaviour change.

In developing the policy an issues paper titled *A circular economy for Victoria: Creating more value and less waste* was released in 2019 and received more than 350 submissions from the public, business and industry. 15 workshops were held across the state with 550 participants.

There are four goals stated within the adopted policy – Make, Use, Recycle and Manage. Goal Three – Recycle (Recycle more resources) has several key commitments including "*Encourage appropriate waste to energy investment"* which has the stated action of *"Develop a waste to energy framework". This* specific action also has the caveat that the Victorian Government will consult with Victorian businesses, councils and the broader Victorian community on the design of this action.

The State Government has stated it *"will pursue an 80 per cent landfill diversion target by prioritising our activities in line with the waste hierarchy, which highlights the importance of waste minimisation and acknowledges the environmental benefits of recycling over converting waste to energy*" The policy goes on to state that:

The Victorian Government supports waste to energy projects where they create clear net benefits and complement efforts to reduce or recycle waste. Waste to energy technologies have a role in an integrated waste and resource recovery system. As Victoria shifts towards a circular economy, and as part of a comprehensive policy approach, waste to energy facilities will divert waste from landfills and use it to create valuable energy. Generating energy from waste is better than sending waste to landfill, once valuable recyclable materials have been removed.

Further, the policy states that:

The State Government recognises a role for waste to energy investment in Victoria, and supports waste to energy projects where they:

- Meet best-practice environment protection requirements including air pollution controls.
- Reduce the amount of waste sent to landfill and do not displace reuse or recycling.
- Do not inhibit innovation in reuse or recycling of materials.
- Meet best-practice energy efficiency standards.
- Reduce greenhouse gas emissions compared to the waste and energy services they displace.
- Have sustainable business models that create jobs and economic development.
- Work well with local communities in which they operate.

Waste to energy can complement other outcomes under the waste hierarchy.

The policy acknowledges that waste to energy solutions need to be at the right scale and have the right number of facilities. It also references the potential risk of over-investing in waste to energy infrastructure as observed in other jurisdictions like Denmark and the Netherlands.

The Victorian Government will strategically plan for waste to energy facilities as part of the Victorian Recycling Infrastructure Plan.

Environmental Protection Authority (EPA)

The EPA Guideline: Energy from Waste (Publication 1559.1* July 2017) outlines that through the *Getting Full Value: The Victorian Waste and Resource Recovery Policy,* (2013) that the Victorian Government is committed to an integrated, state-wide waste and resource recovery system that protects the environment and public health, maximises the productive value of resources, and minimises the long-term costs to households, industry and government.

The guideline outlines how the *Environment Protection Act 1970* ('the Act') and associated statutory policies and regulations are applied to the assessment of proposals that recover energy from waste. The document provides high-level guidance for industry, government and the community on EPA Victoria's (EPA) expectations and requirements for the siting, design, construction and operation of such facilities.

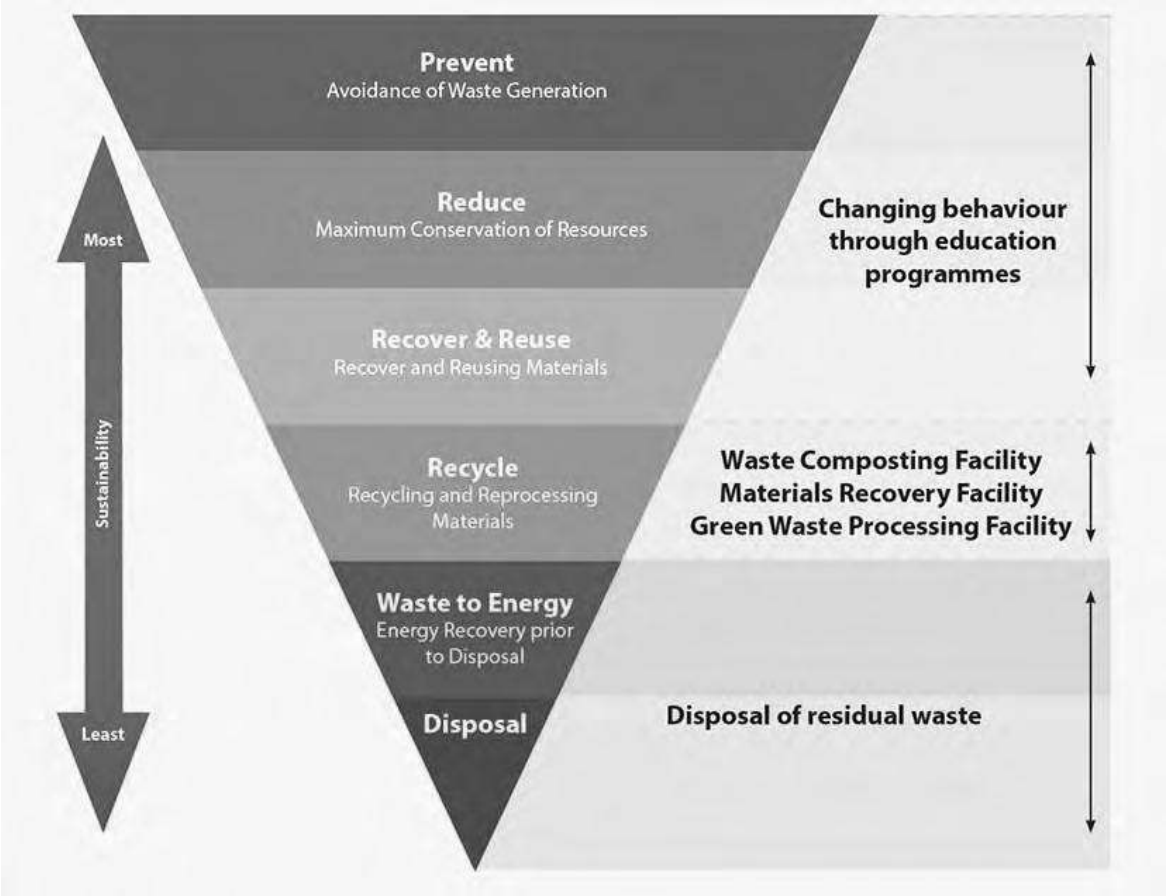
Efficient recovery of energy from the thermal or biological processing of waste is considered a resource recovery as opposed to a waste disposal option. Recovery of energy should not compete with avoidance, reuse or recycling.

Hence, it is evident that in Victoria the "Waste to Energy" option in the waste pyramid is a viable option if the Regulatory and Environmental requirements can be achieved within any potential project.

While Council could choose to adopt its own internal position on the matter, as has been requested by the petitioners, should any future planning permit application be considered at VCAT, the higher policies of the State Government and the provisions of the Victorian Planning Scheme would prevail.

Accordingly, unless Council wished to subsequently pursue a planning scheme amendment in relation to this matter, it is considered that there is no value in adopting a policy that is inconsistent with the Victorian State Government's own position. It is reasonably anticipated that any such amendment would require extensive work to demonstrate why it is warranted and ultimately the approval of the Minister for Planning would be required.

It is therefore recommended that Council advise the lead petitioner that the request is not supported and note that, should a planning permit application be lodged, it will be considered against the Mount Alexander Shire Planning Scheme's requirements of the time.



Policy and Statutory Implications

Relevant policies, strategies and plans

Recycling Victoria: a new economy February 2020

Sustainability Victoria 2017, Statewide Waste and Recovery Infrastructure Plan Victoria 2017-2046

EPA Victoria (2017a) Guideline: Energy from Waste Publication 1559.1* EPA Victoria

Statutory powers and implications

Mount Alexander Planning Scheme

Council must review applications on their merit and as such the Mount Alexander Planning Scheme has several Clauses with are highly relevant to waste to energy proposals.

Clause 53.13 of the Mount Alexander Planning Scheme requires that an application for a renewable energy facility be accompanied with the following as appropriate:

- A site and context analysis, including:
    - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.

- A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.

- A design response, including: – Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.

  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public viewpoints.

  - The extent of vegetation removal and a rehabilitation plan for the site.

  - Written report and assessment, including:

    - An explanation of how the proposed design derives from and responds to the site analysis.

    - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.

    - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.

    - The potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.

    - The effect of traffic to be generated on roads.

    - The impact upon Aboriginal or non-Aboriginal cultural heritage.

    - The impact of the proposal on any species listed under the Flora and Fauna *Guarantee Act 1988* or *Environment Protection and Biodiversity Conservation Act 1999*.

    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.

    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.

Clause 65 of the Mount Alexander Planning Scheme (Decision Guidelines) states that *because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines...*The clause provides that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.

- Any significant effects the environment, including the contamination of land, may have on the use or development.

- The Municipal Planning Strategy and the Planning Policy Framework.

- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

The recommendations of this Report are consistent with Victorian Government Policy.

Risk Analysis

There are no risks identified as rising from this response.

Climate Impact Statement

Climate Change is a key issue with contemporary waste management practices, technology and processes. The assessment of potential contributions to CO2 emissions or savings is a key determinant of the type of technology and management practices recommended as part of any Waste to Energy planning assessment.

Alternate Options

There are no other options currently.

Communication and Consultation

This item has not been subject to consultation however the Victorian Government has engaged widely with the Victorian community, industry and business.

Inform:

We will keep our community informed.

Legislation

Environment Protection Act 2017

Environment Protection Amendment Act 2018

Strategies and Policy Impacts

Council Plan 2017-2021

Recycling Victoria: a new economy

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.