

Amendment VC69 Waste Transfer and Materials Recycling Facilities

Victoria's waste industry is experiencing an increase in demand for the sustainable recovery and reuse of materials and the introduction of new technology.

To respond to this demand, planning provisions have been updated to encourage new waste transfer and materials recycling facilities, while ensuring adequate environmental and amenity safeguards are in place.

This purpose of this advisory note is to:

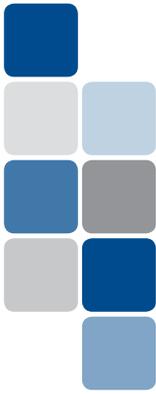
- explain the changes made by Amendment VC69 to the *Victoria Planning Provisions* (VPP) and planning schemes
- provide guidance on the application of Clause 52.10 – Uses with adverse amenity potential for the new resource recovery purpose group
- provide guidance on the new particular provision for resource recovery facilities at Clause 52.45
- outline the intention for further changes to the waste transfer and materials recycling facility provisions in planning schemes.

Why change the way we plan for future waste facilities?

The new planning controls and new definitions for 'Transfer station' and 'Materials recycling' respond to the demand for resource recovery facilities and the introduction of new technology, which changes the way these facilities impact the surrounding environment.

What changes have been made to the State Planning Policy Framework?

The State Planning Policy Framework has been updated to better reflect the contemporary resource recovery environment by shifting the focus from 'waste management' to 'resource recovery'. This is consistent with the Government's *Towards Zero Waste Strategy* and subsequent *Metropolitan Waste and Resource Recovery Strategic Plan 2009* and will encourage facilities to maximise the amount of resources recovered and prevent pollution, land degradation and unsustainable waste practices.



Why have the land use definitions been changed?

The revision of the land use definitions for 'Refuse transfer station' and 'Materials recycling' facilities will clarify the role of each use in response to the increasing demand for resource recovery facilities and associated advancement of technology. The changes will make a distinction between each use by highlighting the treatment and processing role of materials recycling facilities and the materials handling nature of transfer stations.

New definition	Alteration	Reason
<p>Transfer station: Land used to collect, consolidate, temporarily store, sort or recover, refuse or used materials before transfer for disposal or use elsewhere.</p> <p>(Formerly Refuse transfer station)</p>	<p>Addition: <i>consolidate, sort or recover, before transfer</i></p> <p>Removal: <i>refuse, process, scrap</i></p>	<p>To move away from an emphasis on waste collection for disposal to maximum resource recovery with residual materials to be disposed of in landfill.</p> <p>To remove the word 'process' to ensure the use is not associated with processing or treatment activities that are unsuitable for transfer stations.</p> <p>Processing activities can include any form of volume reduction or mechanical separation of materials.</p>
<p>Materials recycling: Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.</p>	<p>Addition: <i>treat, process, surplus</i></p> <p>Removal: <i>scrap</i></p>	<p>Inclusion of processing and treatment to better address the scope of activities undertaken in these facilities.</p>

What are the changes to the land use controls?

Changes to land use controls will require a transfer station and materials recycling facility to apply for a planning permit in industrial areas, some business zones and the Township Zone. The Mixed Use Zone prohibits these facilities, safeguarding the amenity of residential areas.

Removing a transfer station's ability to be established 'as of right' provides responsible authorities with the ability to properly assess each proposal and apply permit conditions, reducing their impact on the surrounding community. Conditions can include matters such as hours of operation, traffic management, buffers and setbacks and noise limits.

The new planning provisions do not apply to existing lawful operators. However, any changes to an existing facility will be subject to the new provisions.

Why introduce a new resource recovery purpose group within Clause 52.10?

The particular provision at Clause 52.10 will inform responsible authorities and the waste management industry of the potential for waste transfer stations and materials recycling facilities to cause offence or unacceptable risk to surrounding neighbourhoods.

The purposes listed in the table to Clause 52.10 have been updated to more adequately cover the range of contemporary uses within the resource recovery industry. By identifying a range of resource recovery uses in the new purpose group, along with recognising their adverse amenity potential, responsible authorities will be provided with better guidance when considering applications for a transfer station or materials recycling use.



What are the changes to the Table to Clause 52.10?

The new resource recovery purpose group within Clause 52.10 will detail a range of contemporary uses in the resource recovery industry.

The purpose groups, and the list within each purpose group, have been alphabetised to provide a more systematic use of the table. The introduction of a new purpose group (Recycling and Resource Recovery) and each use within that group is outlined in *Appendix A*.

How is Clause 52.10 applied for waste transfer and materials recycling facilities?

The processes to be used and the materials to be processed and stored on the site will determine what type of use is applicable.

A use that has a specified 'threshold distance' in the table to Clause 52.10, requires a proposal to either meet or exceed that distance from a nearby sensitive use, in order not to trigger a referral requirement. The threshold distance is measured as the shortest distance from the land boundary of the proposed use, to a sensitive zone or use (as specified in Clause 52.10).

Where a threshold distance is not met, or the purpose listed in the table is shown with a 'Note 1', Clause 66.02-8 requires the application to be referred to the Environment Protection Authority (EPA) as the specified referral authority and in accordance with section 55 of the *Planning and Environment Act 1987*.

The EPA will advise on:

- council's assessment of any potential adverse amenity impacts like odour, dust or noise emissions resulting from the proposed use
- approving or refusing the proposal
- any relevant conditions, including the separation distance to maintain from sensitive areas and any pollution controls or monitoring requirements.

For the EPA to assess the proposal, the applicant and council will need to provide information on the proposed processes and impacts, including distances from sensitive areas. The proponent

should explain why any proposed distance from a sensitive use is appropriate. Information on planned or envisaged land use changes in the area may also be relevant. In some cases, a risk assessment of residual air emissions impacts may be required.

How will the new Resource Recovery Particular Provision be used?

The new Resource Recovery Particular Provision guides applicants by outlining information that must accompany an application for a transfer station or materials recycling facility. It will also ensure responsible authorities take into account the relevant decision guidelines when assessing an application.

The particular provision reinforces the facilitation of transfer stations and materials recycling facilities in appropriate locations and outlines application requirements to address amenity and environmental impacts.

There is a broad range of facilities that can be developed within the waste management industry, where a recycling facility may range from a small municipal service to a large industrial scale plant.

The Resource Recovery Particular Provision applies to all zones where a transfer station or materials recycling facility is being considered.

How do I determine if the proposed facility requires a works approval or licence from the EPA?

Works approvals are required for industrial and waste management activities that have the potential for significant environmental impact. Not all proposed waste transfer and materials recycling facilities will require a works approval or licence, while some may not even require a statutory referral to the EPA under Clause 66.02-8 of the VPP.

Under section 20 of the *Environment Protection Act 1970*, occupiers of a 'scheduled premises' must obtain an EPA licence to discharge, handle, treat or dispose of waste to the environment.

A premises is prescribed as a 'scheduled premises' where it is listed in the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 (the Regulations). To determine if your proposal is scheduled, see the description



in Column 2 of the Scheduled Premises Table in the Regulations. See Columns 2 and 3 of the Table for industry-specific thresholds and exemptions.

The scheduled premises must obtain a works approval before being built or modified and an EPA licence to operate, unless exempted in the Regulations. Furthermore, if you are, or will become, an occupier of a scheduled premises, section 19A of the Environment Protection Act requires you to obtain a works approval or a licence to increase or alter your emissions or the types of wastes you handle.

Will there be any further changes?

The Department will undertake further investigation on a number of other Advisory Committee recommendations. These include:

- a model local planning policy and model planning permit conditions for transfer stations and materials recycling facilities
- review clause 52.10 to improve understanding and use of the table.

More information and useful links

More information is available online at:

www.dpcd.vic.gov.au/planning

- Click on the Planning schemes – panels and committees link to view the Advisory Committee’s Final Report on the Review of Waste Transfer and Recycling Facility Provisions in Planning Schemes.

To view a comprehensive set of standard planning provisions from which planning schemes are sourced, you can view the *Victoria Planning Provisions* online at:

www.dpcd.vic.gov.au/planningschemes/VPPs

To view relevant regulations to determine if your proposal is a scheduled premises go to:

www.legislation.vic.gov.au

- Click on Victorian Law Today to conduct a search for Environment Protection (Scheduled Premises and Exemptions) Regulations 2007.

See other planning publications at:

www.dpcd.vic.gov.au/planning/publications.

See Amendment VC69 at:

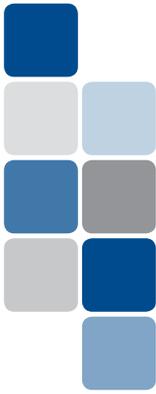
www.dpcd.vic.gov.au/planning/amendments.

See [*Works Approval Guidelines, Publication 1307*](#) (EPA, 2010) for more information on works approvals at www.epa.vic.gov.au.



Appendix A – Table to Clause 52.10 uses explained

Type of production, use or storage (purpose)	Threshold distance (metres)/ Note*	Comment
Recycling and Resource Recovery		
Advanced resource recovery technology facility	Note 1	<p>These ‘Advanced resource recovery technology’ (ARRT) facilities are characterised by their sophisticated technology. The technology, processes and materials involved vary immensely and they may be either stand alone or integrated facilities. They have a variable threshold distance and require a referral to the EPA.</p> <p>There is the potential for an ARRT facility to have an aerobic or anaerobic composting function that usually requires a Works Approval from the EPA. Some proposals also trigger the Works Approval ‘Waste to Energy’ category, if they have incinerators.</p> <p><i>See How do I determine if the proposed facility requires a works approval or licence from the EPA? on page 3.</i></p>
Refuse and used material storage, sorting and recovery in a transfer station: <ul style="list-style-type: none"> ■ Accepting organic wastes ■ Other 	Note 1 100	<p>A transfer station that accepts organic wastes (including general household putrescible waste) can have similar amenity impacts to composting, depending on the storage volumes and timeframe. The use has a variable threshold distance and a referral to the EPA is required.</p> <p>All proposed transfer stations that do not accept organic waste or carry out intensive materials handling will fall within the ‘other’ category with a 100 metre threshold distance.</p> <p>A transfer station cannot undertake materials processing, volume reduction or mechanical separation. If the waste stream or process is not captured under one of the other categories below, such premises should be defined as ‘Other resource recovery or recycling operations’.</p>
Composting and other organic materials recycling	Note 1	The threshold distance for this use is determined by assessing the treatment process and type of waste to be treated. This is due to the potential for significant amenity impacts associated with odour emissions. This use has a variable threshold distance and referral to the EPA is required.



Type of production, use or storage (purpose)	Threshold distance (metres)/ Note*	Comment
Soil conditioning or blending	Note 1	These facilities involve processes that have impacts similar to composting, with a focus on resource recovery. This use has a variable threshold distance and a referral to the EPA is required.
Commercial and industrial materials recycling	Note 1	<p>These wastes are generated from offices, factories, manufacturers and small to medium enterprises, and so on. The main categories of commercial and industrial waste generated are metals, paper/cardboard and organics.</p> <p>This use has a variable threshold distance and a referral to the EPA is required.</p>
Construction and demolition materials recycling	Note 1	<p>These wastes are typically sourced from a range of construction and demolition activities such as large building projects and residential renovations. They can be focused on the recovery of large homogeneous waste streams that can include rock, sand, metals, timber, asphalt and plasterboard.</p> <p>This category includes concrete recycling that has the potential for significant noise and uncontrolled dust impacts. This use has a variable threshold distance and a referral to the EPA is required. As well as pollution and emission controls, operating hours are an important consideration.</p>
Combustion, treatment or bio-reaction of waste to produce energy	Note 1	Specific waste to energy activities will have different threshold distance requirements dependent on their scale and the type of process to be employed. This use has a variable threshold distance and a referral to the EPA is required.
Used metals treatment or processing	Note 1	<p>Metals treatment or processing is different to basic metals sorting. Amenity impacts like noise emissions have the potential to be extensive. This use has a variable threshold distance. A referral to the EPA is required.</p> <p>As well as pollution and emission controls, operating hours are an important consideration.</p>



Type of production, use or storage (purpose)	Threshold distance (metres)/ Note*	Comment
Used paper and cardboard treatment or processing	Use distances in Paper & Paper Products	Refer to the Paper & Paper Products purpose group in the table to Clause 52.10. Paper and pulp production that involves sulphur containing materials is subject to Note 2* and requires a significantly larger threshold distance than other paper and pulp production.
Used plastics treatment or processing	Note 1	A large portion of Australia's plastics are collected for recycling and exported for reprocessing. However, where plastics are reprocessed in Australia, the amenity impacts are dependent on the type of processing used. A process like heat compression or combustion has the potential for greater amenity impacts than non-heat methods. This use has a variable threshold distance and a referral to the EPA is required.
Other resource recovery or recycling operations	Note 1	This category is intended to capture other recycling and resource recovery purposes that are not listed in the table. This use has a variable threshold distance and a referral to the EPA is required.
Sanitary and garbage disposal in landfill	Note 1	This use has a variable threshold distance and a referral to the EPA is required.

*Note 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

*Note 2 of the table: An assessment of risk to the safety of people located off the land may be required.

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