



Submission on Environmental Guidelines for Construction and Demolition Waste Recycling Facilities

Status of this submission

This submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (the Association). The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management. It has been formed through collaboration with Regional Councils who are not ordinary members of the WA Local Government Association. The resulting body represents the views of all Local Government bodies responsible for waste management in Western Australia. This submission will go to the Municipal Waste Advisory Council for endorsement on the Wednesday 18 February and you will be notified of any changes which occur following this endorsement.

Introduction

This Submission is in response to the Department of Environment and Conservation *Environmental Guidelines for Construction and Demolition Waste Recycling Facilities*. In commenting on these Guidelines it should be noted the position that MWAC is commenting from, is that of a potential customer of such facilities, a potential operator and a regulator (at a local level). With this in mind, several areas within the Guidelines have been identified for specific comment. The Guidelines that DEC have released sit within a suite of other documents specifically relating to the operation of these facilities.

Definitions

In the current draft Guidelines there is no definition of C&D waste. To ensure the Guidelines are focused appropriately, clear definitions of the materials referred to is needed. After reviewing other States definitions, the most comprehensive found was Sustainability Victoria which defines C&D waste as:

"Construction and Demolition Material (C&D material) – means the excess or waste material associated with the construction or demolition of buildings and structures, including concrete, brick, steel, timber, plastics and other building materials and products".¹

¹ Sustainability Victoria, EPA Victoria, Worksafe Victoria (2007). Recycling Construction Demolition Waste. http://www.sustainability.vic.gov.au/resources/documents/recycling_construction_demolition.pdf

However, for Western Australian purposes this definition needs to be expanded to include other material currently taken by C&D recycling facilities such as roadwork material, excavated materials, renovation waste and site clearance waste. All of these materials have unique characteristics and associated risks. C&D waste facilities take material sourced from a wide variety of areas, the Guidelines need to reflect this diversity.

Recommendation: That a comprehensive definition of C&D waste be included in the Guidelines.

Reference to the Waste Avoidance and Resource Recovery (WARR) Act 2007

The Guidelines at no stage make reference to the *Waste Avoidance and Resource Recovery (WARR) Act 2007*. This Act is a primary piece of legislation for waste management in Western Australia and as such should be one of the reference points for the Guidelines.

Of particular relevance are the Objects of the Act (S5.1 (a) (b) (c i, ii, iii)) which refers to *promoting the most efficient use of resources, including resource recovery and waste avoidance; and reducing environmental harm, including pollution through waste; and the consideration of resource management options against the following hierarchy –*

- (i) avoidance of unnecessary resource consumption;*
- (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery);*
- (iii) disposal.*

Currently, the Guidelines refer to 'Highest beneficial end use', this is not referred to in the *WARR Act*. Therefore it is suggested that this be removed and resource efficiency be used instead as a guiding principle.

Recommendation: The Guidelines reflect efficiency use of resources as a guiding principle, rather than highest beneficial end use.

Local Government Laws

In the Guidelines, Table 2 *Summary of main issues for recycling construction and demolition waste* outlines the relevant Acts/Regulations that may have an impact upon C&D recycling facilities. Local Laws are mentioned in Table 2 however, Local Laws are potentially applicable in all categories.

WALGA generates Model Local Laws to assist Local Government. The Model *Urban Environment and Nuisance Local Law* outlines areas regarding noise and light emissions and refers Local Governments to the necessary sections in the *Environmental Protection Act 1986*.

Recommendation: Include Local Laws in all sections of Table 2.

Litter

There is no mention in the Guidelines of litter from sites; windblown litter is likely to become an issue that Local Government will be required to address.

Recommendation: Include litter and litter prevention as a consideration in the Guidelines.

Location of existing facilities

Consideration needs to be given to the location of C&D facilities; some existing C&D facilities are located on Federal Land. These facilities are therefore, subject to Federal Legislation, as well as State Legislation.

Dust Suppression Plans

The Guidelines mention 'provision to Local Government of dust suppression plans'. Under the current *Health Act 1911*, Local Government has the ability to make Local Laws with regard to dust issues. However, the *Public Health Bill 2008* will give Local Government greater ability to identify public health needs in local districts.² Therefore, at this time it is not necessary to provide Local Governments with the dust suppression plans, this will be addressed under Local Laws in the future.

Recommendation: That dust suppression plans be sent to the Department of Environmental and Conservation.

Asbestos

Users of recycled C&D material have raised asbestos contamination as an issue of concern. Placing the onus on 'each driver' to certify that the load is free of asbestos contamination is not a practical option and haulage drivers may not have knowledge of the loads content. Rigorous quality assurance protocols by site operators and separation of C&D material at source are considered more effective methods of ensuring non-contaminated loads.

Also, if loads contain asbestos then the point of origin needs to be examined to determine if the operator is acting in accordance with the *Contaminated Sites Act 2003* or acting contrary to the *Occupational Health and Safety Act 2004*.

Recommendation: That procedures be implemented relating to asbestos contaminated loads, such as are referenced in the Waste Management Association of Australia (WMAA) Report for the National Construction & Demolition Waste Division Asbestos Management Plan October 2008.

² Western Australian Department of Health, Draft Public Health Bill 2008, Part 6 Public Health Plans and Part 7 Public Health Assessments.

References

Waste Avoidance and Resource Recovery (WARR) Act 2007

Contaminated Sites Act 2003

Occupational Health and Safety Act 2004

Health Act 1911

Environmental Protection Act 1986

Western Australian Department of Health, Draft Public Health Bill 2008, Part 6 Public Health Plans and Part 7 Public Health Assessments.

Sustainability Victoria, EPA Victoria, Worksafe Victoria (2007). Recycling Construction Demolition Waste.

http://www.sustainability.vic.gov.au/resources/documents/recycling_construction_demolition.pdf

Waste Management Association of Australia (WMAA) Report for the National Construction & Demolition Waste Division Asbestos Management Plan October 2008