

Council of Mayors (SEQ) Submission on Queensland's Waste Strategy 2010-2020 Waste Avoidance and Recycling Consultation Draft

The Council of Mayors (SEQ) submission is provided as a response to the Department of Environment and Resource Management (DERM) invitation to comment on *Queensland's Waste Strategy 2010 – 2020 Waste Avoidance and Recycling Consultation Draft* (hereafter referred to as the Draft Strategy). This submission represents an agreed view of the Council of Mayors (SEQ) and its member Councils. This submission comments on both the Draft Strategy and the supporting waste levy document.

The Council of Mayors (SEQ) is an independent political advocacy organisation that represents the interests of the one in seven Australians who live in the nation's fastest growing region - South East Queensland. The Council of Mayors (SEQ) has a strategic objective to develop and implement regional approaches for addressing waste management issues including resource sharing and infrastructure provision. Therefore the Council of Mayors (SEQ) is interested in how its regional waste management priorities align with Queensland Government priorities.

The Council of Mayors (SEQ) has appreciated the opportunity to provide input to the development of the Draft Strategy and acknowledges that many of the matters raised by SEQ Councils prior to the release of the Draft Strategy have been addressed.

The continuation of this collaborative approach is appreciated and the Council of Mayors (SEQ) looks forward to favourable consideration of the issues raised in this submission and the opportunity to inform the development of the final Strategy.

The Council of Mayors (SEQ) would like to acknowledge the amount of work undertaken to produce the Draft Strategy thus far. It is a well written document that has considered a large number of complex and difficult issues.

The key matters the Council of Mayors (SEQ) would like to see addressed in the final version of the Strategy relate to:

- support for the exclusion of municipal solid waste (MSW) from the levy (as outlined in the draft);
- full hypothecation (of the revenue generated by the levy) to waste management purposes;
- ensuring that revenue generated from the levy in SEQ stays in SEQ;
- funds set aside by DERM for use by Councils in 2010/11 to prepare for the introduction of the levy are considered insufficient;
- a guide for set up and implementation on the Waste Levy is required;
- the Waste Levy implementation date needs further consideration for those Councils that may need to undertake extensive modifications to be levy ready. A phase in approach may be appropriate for those Councils;
- adoption of appropriate targets for recycling and recovery;
- careful, transparent and appropriate selection of advisory group members;
- ongoing engagement with local government;
- a clear and transparent decision making process;
- greater linkages between State waste management planning and town planning; and
- a well thought out approach to manage illegal dumping.

Waste Avoidance and Recycling Consultation Draft

Overarching Comments

- Waste Targets should be specific and achievable, and appropriate for local circumstances in each Council region.
- Targets need to be reviewed regularly.
- Climate change targets would be difficult to report against and should be removed or remain aspirational at this stage.
- Illegal dumping requires careful consideration and a partnership approach with Councils.
- Careful selection of Advisory Group members is important.
- Future engagement of local government is crucial.
- The decision making process needs to be clear.
- Broader waste and environment and emissions reductions initiatives should be considered for funding ahead of acquisition of national parks.
- Councils that have already completed Strategic Plans need to be acknowledged.
- Waste management strategic and development planning mechanisms need to be more closely linked.
- Council of Mayors (SEQ) support the 26 Actions set out in the Strategy and the broader perspective of what they are aiming to achieve.

Key matters for consideration

Targets

1. Council of Mayors (SEQ) supports the development of clear and achievable waste targets. Targets need to be achievable with appropriate effort, and as such will need to be relevant to local circumstances in different parts of the State. Different Councils will achieve varying levels of success across different areas over varying time frames and this needs to be considered when setting targets. Specific targets for individual Councils may be necessary based on existing resources and capabilities, while contributing to an overall state approach.
2. Council of Mayors (SEQ) would like local councils to be given the ability (via legislation) to set mandatory targets for waste management in their area (e.g. as part of their local waste management plans). The targets would need to be formally encouraged and supported by State legislation. This could greatly assist local councils in the education and implementation of waste management plans. Clarity as to what is intended by a mandatory as opposed to an aspirational target would need to be established.
3. Targets that are currently being suggested are based on inaccurate data so they need to be reviewed regularly as data is collected over time.
4. The proposed targets relating to climate change impacts (as follows) are currently considered meaningless due to data constraints.

Reduce climate change impacts of waste disposal by at least:

- i. 33% for household greenhouse gas landfill emissions
- ii. 50% for total landfill emissions

At present Councils are unable to estimate the amount of landfill gas being produced (in some instances the amount being captured is recorded at landfills where landfill gas systems are operative). How will the percentage reduced be calculated if the amount produced is unknown? Landfill gas calculations and assumptions are currently unclear and confusing. The Federal government has not yet confirmed how their landfill gas calculations will be undertaken (based on the requirements of the National Greenhouse and Energy Reporting Act) and it seems inappropriate for Queensland to attempt this until the Federal Government have provided clearer direction.

5. The Council of Mayors (SEQ) would support the development of targets relating to wastes that generate landfill gas and also landfill gas collection systems at large landfills. These targets, and the scale of waste facilities which these targets would apply, need to be developed in conjunction with local government.

Response to illegal dumping

6. A partnership approach with local government regarding the management of illegal dumping is crucial. A task force group could be set up; comprising both local and State government officials. Local government also need to be a partner in the development of the Litter Prevention Strategy.
7. Effective prosecution of illegal dumping in the new legislation is essential. Increased power for regulatory authorities and increased penalties are needed.
8. All forms of illegal dumping will need to be addressed, e.g. mechanisms to manage the increased contamination of park bins. Park and street bins are not covered by the levy and therefore may be targeted.
9. Recognition of the need for rapid response to illegal dumping. Councils should be given direct assistance in responding to such issues within the boundaries of their local government areas.

Governance arrangements and decision making

10. Selection of Advisory Group members must be conducted in a fair and transparent manner. Representatives on these groups need to be well respected and supported by the people they are representing.
11. Future engagement is crucial. The Council of Mayors (SEQ) requires a clear understanding of the decision making process from this point forward. Key aspects of interest include:
 - a. finalisation of targets;
 - b. drafting of new legislation;
 - c. waste data collection, methodologies and reporting;
 - d. infrastructure planning, analysis, funding and policy;
 - e. sustainable procurement tools;
 - f. waste education;
 - g. state wide planning frameworks;
 - h. organic waste; and
 - i. priority wastes.

12. The development of advisory groups is commendable, however, the level of their input and influence in the decision making process is unclear.

Recognition of existing strategic planning

13. Councils that have already completed a Strategic Plan should be recognised. Councils should not be financially penalised for being pro-active.
14. Will DERM provide funding to those Councils that have prepared a Strategic Plan to revise their Plan? e.g. Toowoomba Regional Council has already completed their 5 year Plan. In this plan they have allowed for disposal site rationalisation across a 5 year period, however, the introduction of the levy will mean that they have to fast track site closures by 1 July 2011.

Linkages between strategic waste management planning and land use planning

15. Local Government Waste Management Plans (which are a proposed requirement) set out in the draft Strategy do not appear to be linked to local government land use planning mechanisms. It would be extremely advantageous if DERM engaged with strategic land use planners at this stage of the Strategy development. There needs to be a state-wide planning framework to deal effectively with where to locate waste disposal and resource recovery infrastructure. Local government waste officers and planning staff need to be involved.
16. The Strategy must also link to other important regional planning instruments such as the SEQ Natural Resource Management Regional Plan and the SEQ Regional Climate Change Program.

Issues requiring further clarification

17. Please provide further information on the "Business Plan" proposed in the draft Strategy. There does not appear to be a timeline or details on who will prepare this Plan.
18. SEQ Councils have expressed some concern over the ownership of residual waste from Materials Recovery Facilities (MRFs). Councils would like to ensure that they retain ownership of this waste so that it is exempt from the levy. Otherwise MRFs will be liable for the levy costs on any residual waste that remains after sorting and processing.
19. Household green and organic waste collection will be unsuitable for many rural areas. In these areas home composting and other organic waste treatments are likely to be more suitable. Home composting needs to be included in the Strategy.
20. It would be beneficial to define the terms 'Trade Waste' and 'Heavy Industrial Processes' in the glossary.
21. The term 'Farm Waste' needs to be clearly defined by the Strategy.

Proposed Industry Waste Levy Consultation Draft

Key matters for consideration

Distribution of levy funds

1. The Council of Mayors (SEQ) strongly advocates that the State Government ensure that all funds raised from the waste levy are fully hypothecated to waste avoidance, resource efficiency measures and site remediation measures rather than new conservation areas and any general environmental initiatives. We strongly support the principle that the first call on the levy should be for Waste Avoidance and Resource Efficiency measures to help to implement the new levy, develop strategic waste management plans and facilities, assist in resource recovery, and reduce the volume of hazardous waste and other waste management initiatives. A concerted effort to address illegal dumping must be a well resourced part of this fund if the strategy as a whole is to be effective. We would argue that the allocation proposed in the discussion paper (\$159 million) is inadequate to achieve these objectives, and that the majority of funding raised from the levy should be dedicated to ensuring the success of the strategy through these initiatives.
2. The Council of Mayors (SEQ) support a second smaller fund (\$120 million) as the Sustainable Future Fund to assist local governments to fund broader environmental priorities related to waste. This could include broader community based waste initiatives such as management of community education, littering, alternative waste technologies trials and investigative resource recovery initiatives.
3. The Sustainable Futures fund could be aligned with the proposed actions in the SEQ Regional Climate Change Program being developed between DIP, DERM and Council of Mayors (SEQ) and other agencies. That Plan seeks to develop and implement a strategy to divert organic waste away from landfill and other disposal facilities to minimise the generation of greenhouse gases or manage emissions from organic waste through electricity generation, other beneficial re-use or flaring. At present, there is no funding source for this strategy.
4. The Council of Mayors (SEQ) does not support hypothecation of \$100 million (of waste levy funds) to general State environmental initiatives that are not waste related. We would suggest that the State environmental initiatives aspect should be dedicated as waste related environment initiatives. These could include:
 - Reducing emissions from landfill and promoting renewable energy from waste projects. This is consistent with both the Towards Q2 objective of reducing carbon footprint, and the proposed actions in the draft SEQ Regional Climate Change Program. With a dedicated funding source, very substantial progress could be made in reducing emissions from waste.
 - Rehabilitating waterways affected by waste. Waste in its many forms can be a key cause of the degradation of waterways.
 - Site remediation on public lands. A concerted effort could be made to clean up past waste disposal sites and contamination on public lands. This could have the benefit of freeing up more contaminated land for public recreation, and also improving the site amenity in existing reserves.

The Council of Mayors (SEQ) seeks to be involved in further discussions regarding the allocation of funding.

5. The Council of Mayors (SEQ) considers that funds collected in the SEQ region should be spent only in that region. A number of priority areas for funding are listed in the Waste Levy consultation draft (e.g. remote and rural areas). Areas of high population and waste generation are not specifically mentioned as a priority. With continuing population pressures in the South East, the future waste management challenges remain acute.
6. It is unclear how regional collaboration achievements to improve infrastructure and capacity building will be financially recognised via the strategy implementation funding provisions. DERM are requested to advise what weighting will be applied to regional collaboration initiatives and identify this as a priority guideline for Councils as part of the Strategy action plan.

Councils' requirements for levy implementation

7. The Council of Mayors (SEQ) would like DERM to note that Councils budgets for 2010/11 were set well before the draft Strategy was released and therefore no funds have been allocated for levy set up or implementation.
8. The proposed implementation date for the waste levy will be difficult, and in some cases impossible, for a number of Councils to meet. A phase in approach for implementation of the levy is requested for Councils that raise these concerns with DERM individually. Assessment of individual Council situations is necessary.
9. Preliminary research on setup costs to Councils in SEQ for the waste levy has been commissioned by the Council of Mayors (SEQ). This preliminary research suggests that the \$12.5 million allocated to Councils in the 2010-11 DERM budget to improve compliance and the provision of infrastructure at existing landfills will be insufficient. It is recommended that DERM conduct further investigations (in conjunction with local government) to ascertain a more realistic estimation of the funding required to set up and implement the waste levy. Council of Mayors (SEQ) would be happy to provide more detailed information to DERM (on setup costs to Councils) as this data becomes available. It is crucial that a detailed analysis of estimated costs forms the basis of funding allocations.
10. The Council of Mayors (SEQ) request further analysis and assessment from DERM about the implications of the levy; including the expected funding for Councils to establish infrastructure, develop education programs, set up administration and compliance programs to manage the implementation of a waste levy. An open discussion of these matters with DERM is requested.
11. Timely provision of funding is required to assist Councils to prepare and set up for the levy. This funding must be available *at least 6 months prior to the implementation date*.
12. An operational guide, outlining requirements for the set up and implementation of the levy, would assist in ensuring equitable application across all jurisdictions.

Potential implications requiring further clarification

13. It appears from the documentation provided that if a sundry debt for a commercial customer for the Industry Waste Levy is unable to be collected (e.g. bankruptcy,) then it is the council who may wear the debt. Clarification on this matter is requested.
14. SEQ Councils have expressed concerns regarding asbestos waste. Appropriately managed asbestos and quarantine wastes are not covered by the levy. What impact will this have on mixed loads that contain asbestos etc? Further consultation and clarification is requested.
15. The application of the levy provides an incentive for separation of recyclables at the source of waste production. The levy appears to offer no incentive to landfill or waste transfer station operators to provide secondary resource recovery on their site (as the cost of the levy can be passed directly to their customers). This important aspect of waste recovery will be reliant on the operators own needs or environmental initiatives. The Council of Mayors (SEQ) requests that DERM further consider how they will use the proposed levy to ensure facility operators are motivated to or rewarded for implementing secondary resource recovery on their facilities.
16. Further clarification of levy exemptions for waste to be disposed of by regulation e.g. fire ant material, and consideration of non-profit organisations for levy exemptions where they operate similar to charities in minimising waste is requested.
17. There is some confusion around how the levy will be applied to commercial businesses and industry on Councils kerbside collection systems. Some Councils do not separate the waste and recycling charge codes between Commercial & Industrial Waste (C&I) and MSW and will need to adjust their codes and systems to be able to comply with the levy. A question has been raised about whether C&I businesses who are recycling as part of Councils systems should be exempt from the levy. DERM is requested to further analyse this aspect and take into account extra funding to resource Councils to adjust their property systems where relevant.
18. Further analysis and clarification is required on whether the levy is payable on waste at a transfer station if it is being transferred off site to an external landfill and if not how that will be payable at the landfill if the load is a mixture of C&I and MSW.
19. SEQ Councils have indicated that there is some confusion over 'mixed loads of waste'. There needs to be a clear, agreed methodology on how Councils will calculate nominated weights. Consultation with Council staff is crucial.