

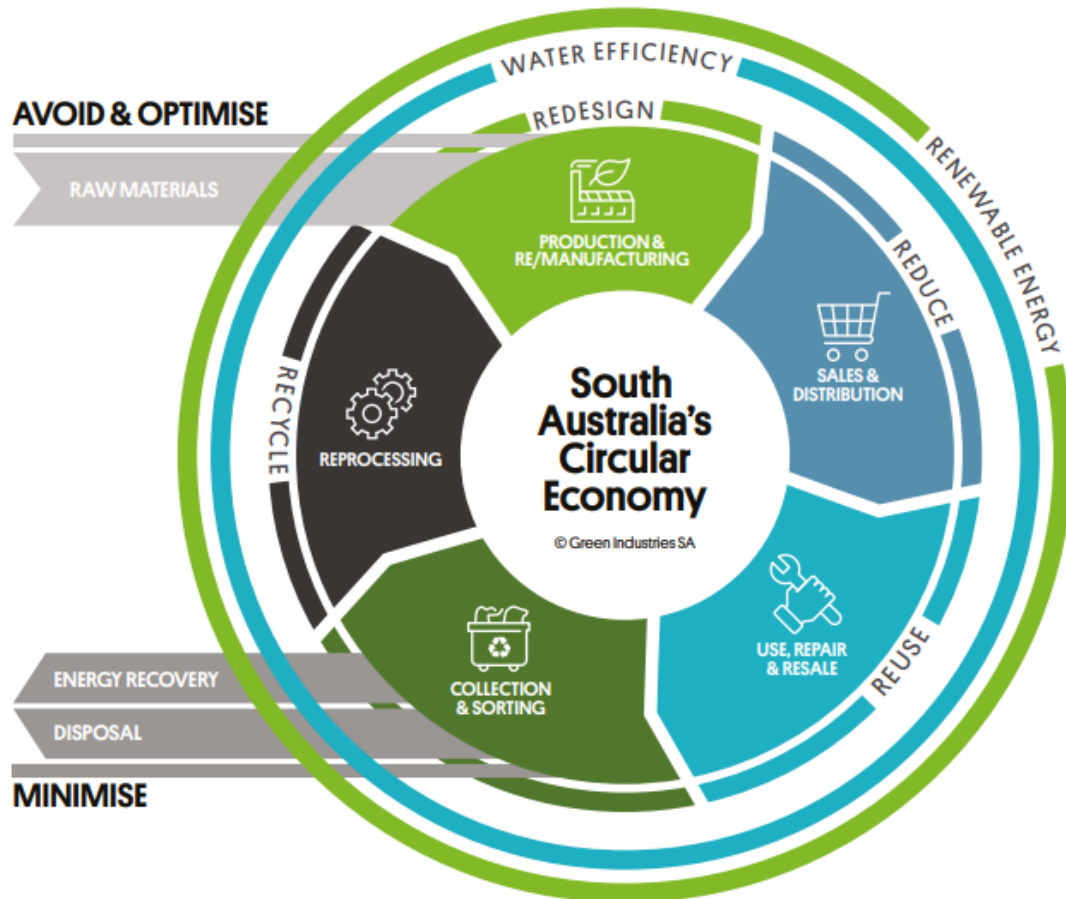
Waste and Resource Recovery overview

Site contamination

Climate Change

Radiation Protection and Control

Overview: waste and resource recovery update



- SA Waste Strategy 2020-25 – reminder of targets
- Ban on single-use plastics (updated 1 March 2022)
- Mass Balance Reporting (material flows) for waste depots (Updated 1 July 2021)
- Waste levy collection method change (Updated 1 December 2021)
- Container Deposit Scheme review (current)

SA's Waste Strategy 2020-2025

Targets:

- Zero avoidable waste to landfill by 2030
- 5% reduction on per capita waste generation on a 2020 baseline
- Regional Waste Management Plans for all regional areas by 2023
- Metropolitan resource recovery targets:

Sector	2018-19	2020 target	2025 target
MSW	57%	70%	75%
C&I	88%	80%	90%
C&D	91%	90%	95%

[SA Food Waste Strategy](#) released in 2021.

www.greenindustries.sa.gov.au/resources/sa-waste-strategy-2020-2025



Ban on single-use plastics



- Banned from 1 March 2021:
 - Single-use plastic straws, cutlery & stirrers
- Banned from 1 March 2022:
 - Polystyrene cups, bowls, plates and clamshell containers
- Ban applies to sale, supply or distribution
- Ban includes oxo-degradable plastic products
- Penalties up to \$20,000 and expiation up to \$1,000 apply
- Exemptions apply for people with a disability or medical needs

Further information: [Single-use and Other Plastic Products \(Waste Avoidance\) Act 2020](#)

www.replacethewaste.sa.gov.au

[EPA Guideline for assessing plastic products](#)

Mass Balance Reporting

- Mass balance reporting commenced **1 July 2021**
- Applies to waste facilities receiving over 20,000 tonnes of waste p.a.

Mass Balance Reporting

Monthly reports
Annual surveys & stocktakes

INFORMS

Stockpile & material flow trends

- Informs if EPA action is needed, e.g.:
 - o Management plan
 - o Stockpile limit
 - o Financial assurance
 - o Compliance for breach
- Informs Government early if a sector-wide issue is arising

Resource recovery opportunities

- Site opportunities
- Sector-wide opportunities

Levy collection at landfill

Market development



Effective recovery



Contamination



www.epa.sa.gov.au/environmental_info/waste_recycling/mass-balance-reporting

Waste levy collection

- Changes to solid waste levy collection commenced 1 December 2021
- Applies to South Australian landfills
- Key features:
 - Clarity on application of levy to daily cover
 - Application of levy to unapproved operational use
 - Application of levy to unauthorised stockpiling
 - Improved powers to recover unpaid levy
 - Review of penalty provisions



www.epa.sa.gov.au/business_and_industry/waste-levy

Container Deposit Scheme review



- 2019 Scoping Paper “Improving SA’s Recycling Makes Cents” identified four key opportunities
- Discussion paper public consultation September-November 2021.
- Working with other jurisdictions to maintain national alignment of schemes.

www.epa.sa.gov.au/environmental_info/waste_recycling/container_deposit

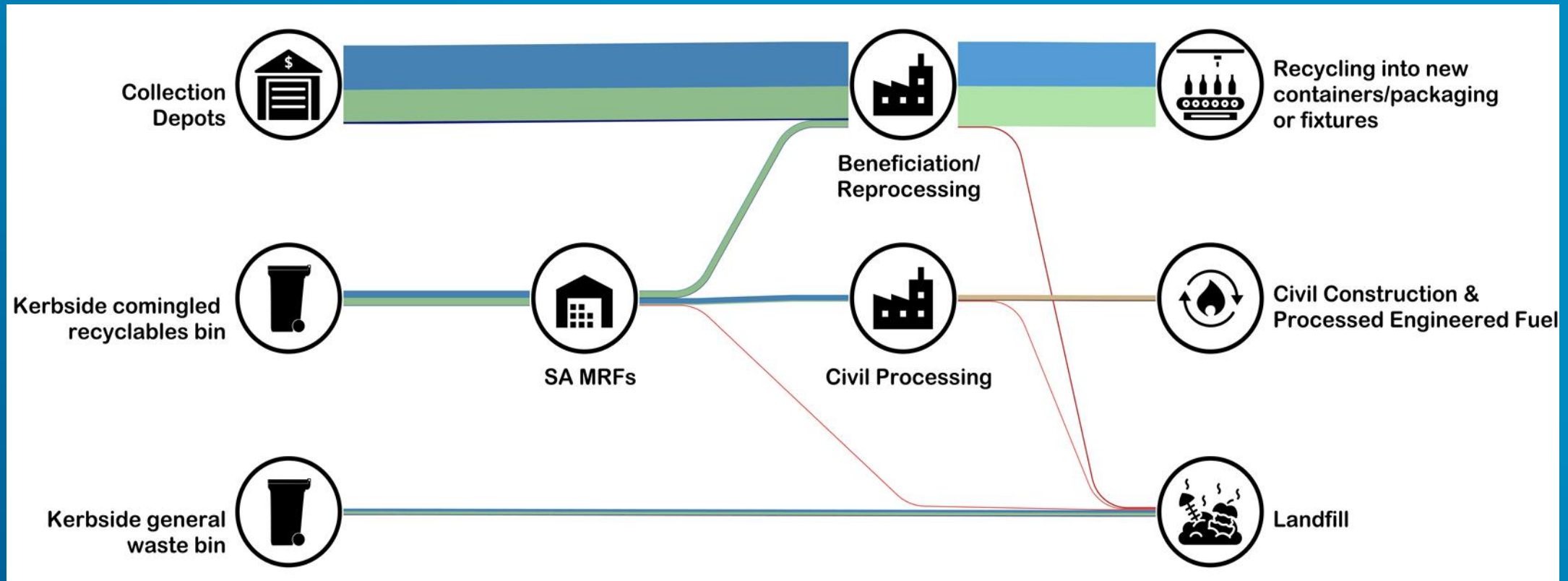
Key issues

The key issues raised during consultation and discussions with stakeholders related to:

1. the objectives of the CDS and resource recovery and recycling of container materials within a circular economy,
2. scope of containers included in the CDS,
3. Scheme approvals and container marking,
4. CDS container return rates, including deposit value, container return and payment of the refund, and
5. the governance of the CDS and comparison to schemes in other jurisdictions.

The alignment of state and territory schemes was raised as a key issue that traverses the key issues in this paper.

Material Flow of CDS Containers per year



Site contamination planning reforms

Objectives:

- Support urban renewal within metropolitan Adelaide
- Identify site contamination early in the planning process
- Protect the community from potential health impacts

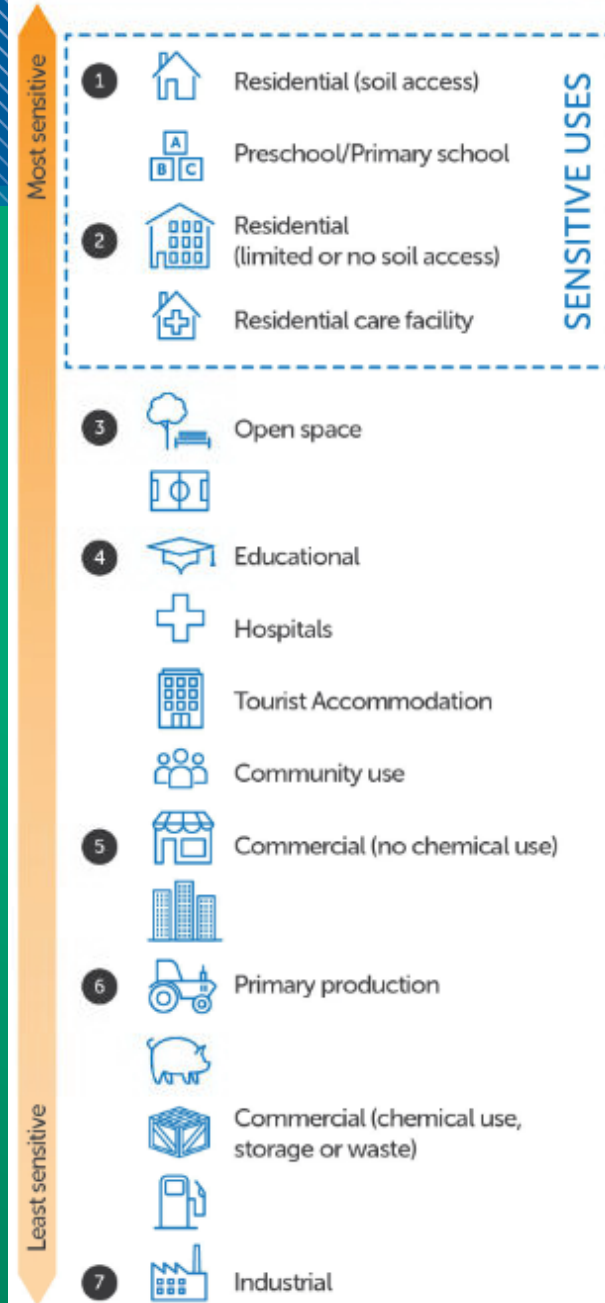
Reforms:

- Site Contamination policies within the Planning and Design Code
- Prescribed classes of development for referral to EPA for site contamination assessment

If you're changing land use to a more sensitive use you need to investigate potential site contamination as part of your planning application.

plan.sa.gov.au

Land use sensitivity hierarchy



Site Contamination Update

Site contamination assessment scheme

Objectives:

- Protect human health
- Support urban renewal (“no surprises”)

Key Principles

- Risk-based procedure
- Only triggered through land use change to a ‘more sensitive use’
- Investigations & reporting based on nationally consistent approaches (ASC NEPM)
- Access to EPA scientific expertise in high-risk scenarios



Did you know?

If you are moving up the ladder (hierarchy) your proposal is a ‘more sensitive use’

Reforms commenced in March 2021

Integrated site contamination assessment scheme:

- *Planning, Development and Infrastructure (General) Regulations 2017*
- State-wide Planning and Design Code
- Site Contamination Assessment Practice Direction
- Site contamination spatial layers (SAPPA)
- EPA referrals in higher risk scenarios

Version: 19.3.2021

South Australia

Planning, Development and Infrastructure (General) Regulations 2017

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 3A Application of Act (section 8)
- 3B Additions to definition of *development*
- 3C Exclusions from definition of *development*—general
- 3D Exclusions from definition of *development*—State heritage areas
- 3E Change in classification of buildings
- 3F Regulated and significant trees
- 3G Aboveground and inflatable pools
- 3H Public notice
- 3I Prescribed period (section 44(12)(b))

Part 2—Administration and structural matters

- 5 Annual report—Commission
- 6 Annual reports—joint planning boards
- 6A Provision of documents and notices via the SA planning portal
- 7 SA planning portal—certification and verification of information
- 8 Disclosure of financial interests
- 9 Compliance with code of conduct—Commission
- 10 Compliance with code of conduct—joint planning boards
- 11 Compliance with code of conduct—assessment panels
- 11A Mutual liability scheme—notice of appointment of assessment panel members
- 11B Mutual liability scheme—rights of indemnity

PRACTICE DIRECTION 14

Site Contamination Assessment 2021



This practice direction is issued by the State Planning Commission under sections 42 and 127 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* allows the State Planning Commission (the "Commission") to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act provides that a particular matter may be addressed or dealt with by a practice direction.

Section 4 of the Act sets out rules that relate to a change in the use of land, which is a form of development under the Act. This practice direction is part of a scheme that provides for requirements that apply in relation to the assessment of potential site contamination when land use changes to a more sensitive use or where a land division proposes a sensitive use. Because site contamination is linked to land use, bringing about a change in land use can cause site contamination (under section 103D(2) of the *Environment Protection Act 1993* and regulation 51 of the *Environment Protection Regulations 2009*) even though the person who brought about the change of use may not be the original polluter.

In particular, this practice direction sets out some forms and related requirements that will support various requirements under the *Planning, Development and Infrastructure (General) Regulations 2017* when a relevant authority is considering an application for planning consent where the application proposes a change in land use to a more sensitive use or, in the case of land division, the application proposes a sensitive use. This practice direction also provides specified conditions (pursuant to section 127(1)(b) of the Act) for development authorisations where remediation may be necessary before occupation or use of land the subject of the application.

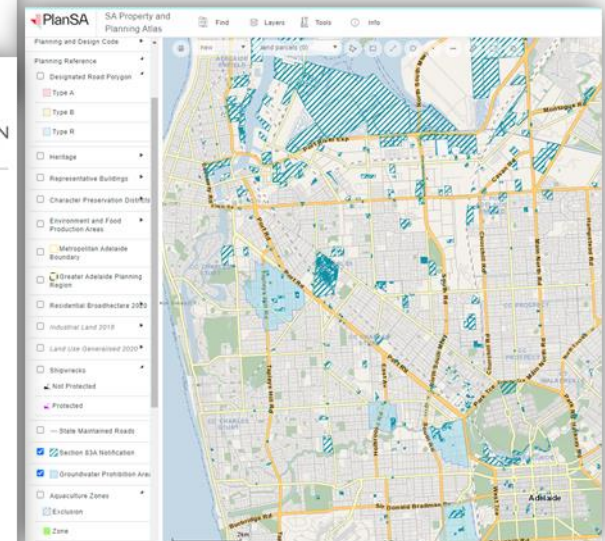
South Australia's Online Planning & Design Code

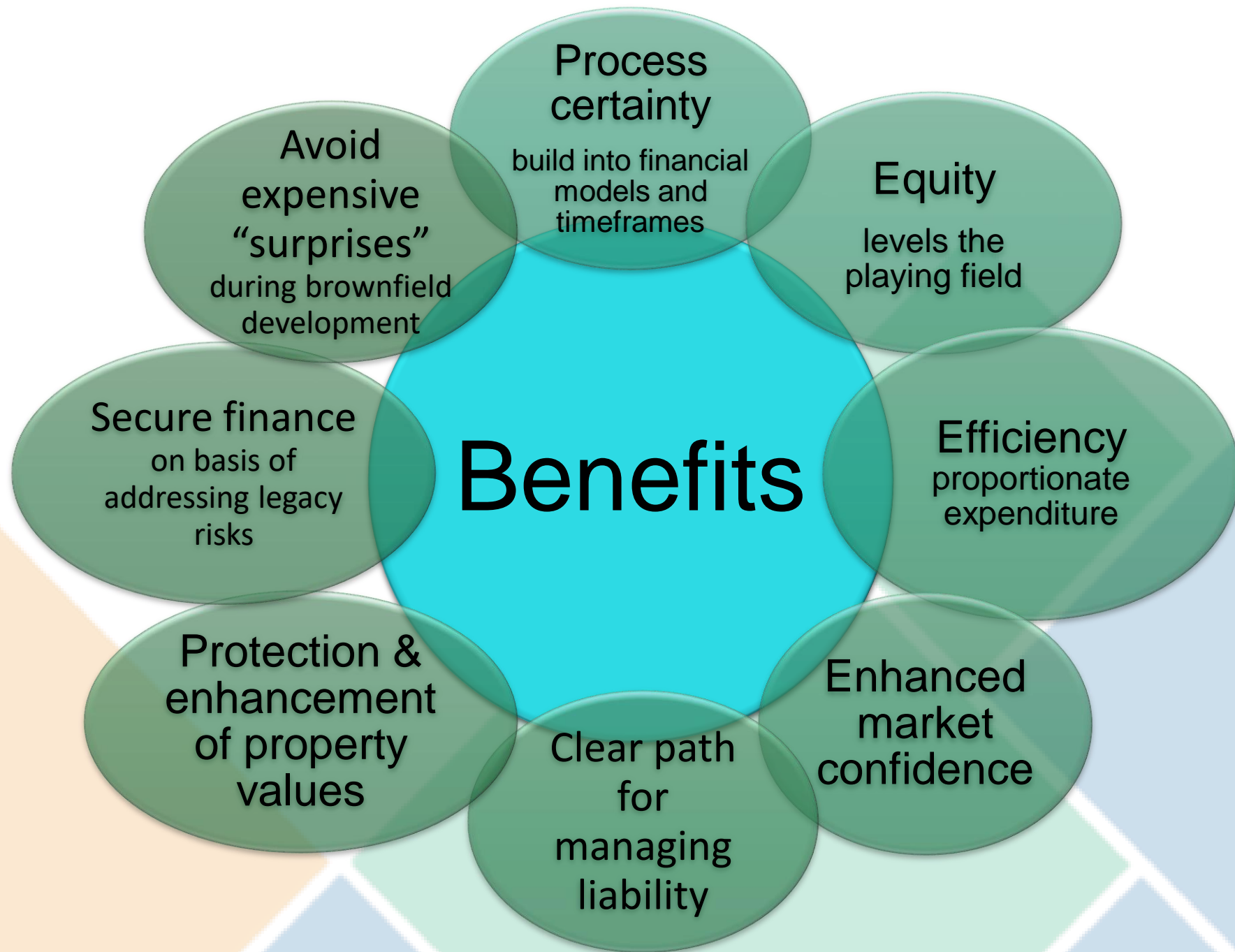
The Planning and Design Code is the single source of planning policy. There are three different ways to view the Planning and Design Code in this tool.

What policies apply to a development at an address?

What policies apply to an address?

Browse the Planning & Design Code





Climate Change

Climate change: a whole of government approach



Climate change action in South Australia is a whole of government strategic approach.

Further information available on DEW website:

<https://www.environment.sa.gov.au/topics/climate-change>



Policy direction statement that sets the government's agenda for action.

Released December 2019.

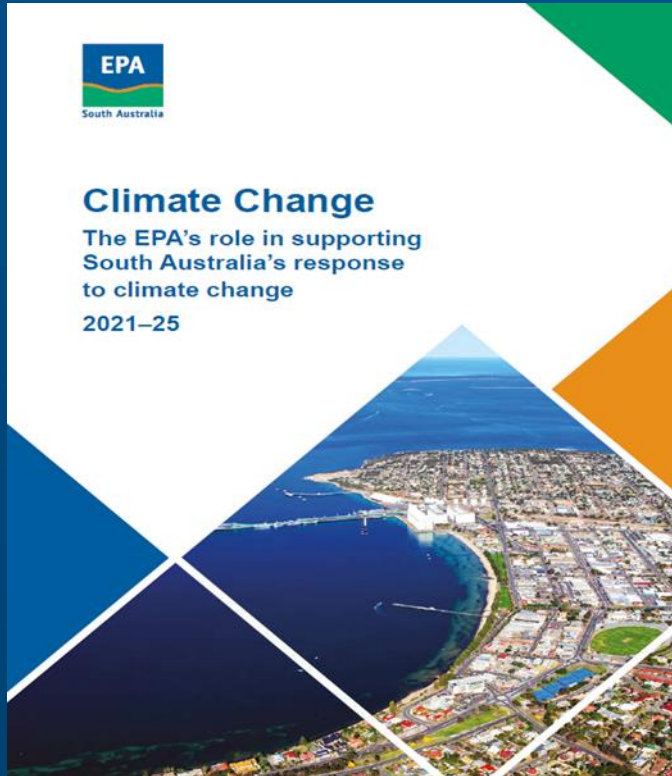


Implements the policy directions.

Describes the government-led objectives and actions.

Released: December 2020.

Climate change: EPA's role statement



https://www.epa.sa.gov.au/files/15173_climate_change_role_statement.pdf

Released 9 February 2022.

Sets out EPA's role in supporting South Australia's response to climate change.

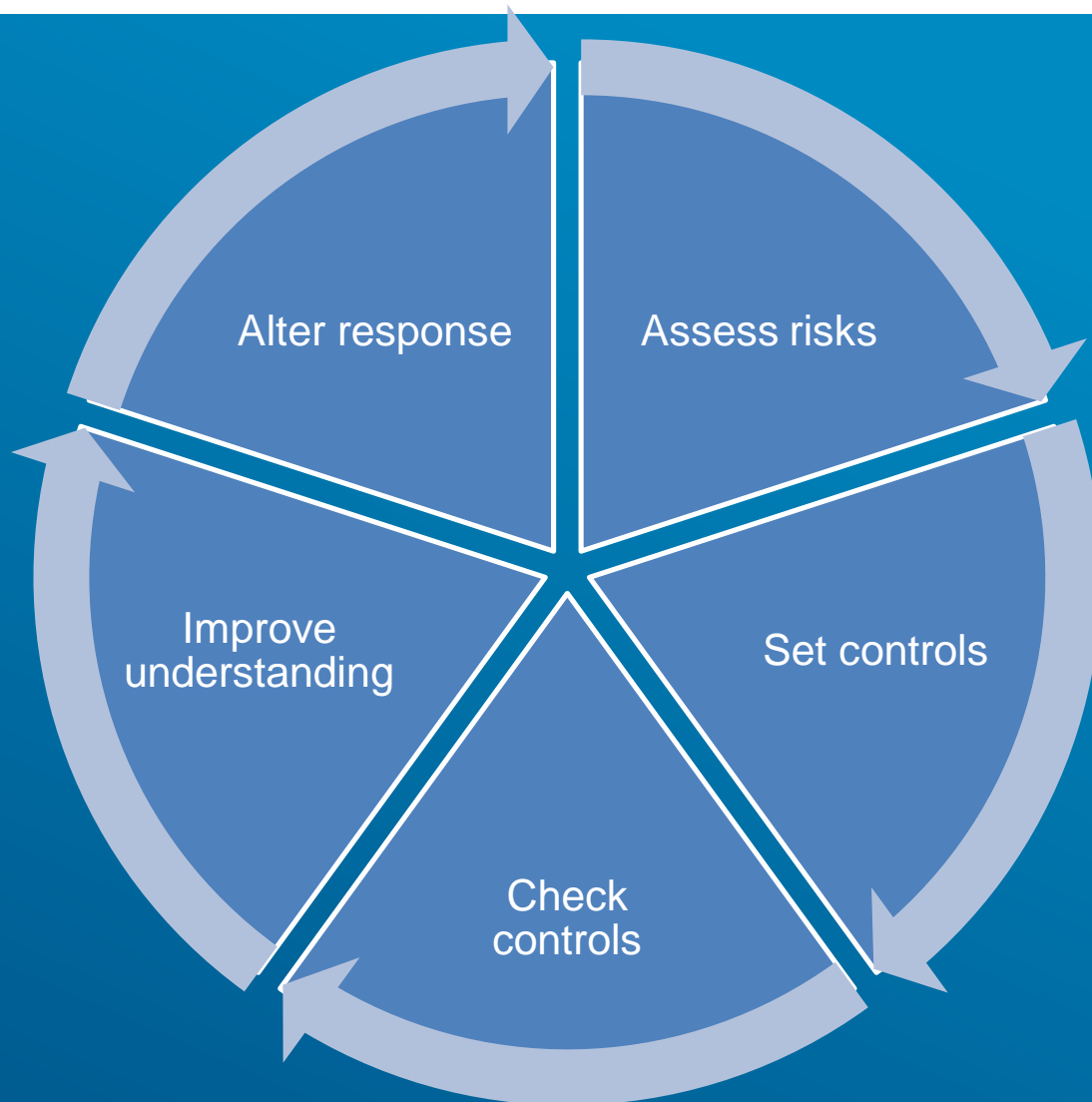
Includes links to EPA actions in the SA Government Climate Change Action Plan.

Focusses on:

- adaptive responses
- strengthening the regulatory framework for the circulation of materials
- sharing science and trends.

Adaptive management of licences

Using adaptive management principles and techniques to modernise our regulatory approach to environmental licensing



Principle 1. Risks are understood

Principle 2. Objectives are established

Principle 3. Effectiveness is evaluated

Principle 4. Adaptive management is incorporated into licence conditions

Principle 5. Management actions are adjusted

Principle 6. Continuous improvement is supported

Incorporating climate change risk



Integrate climate risk with resource prioritisation and risk management processes

Work with priority licensees to become aware of and understand their risks and liabilities associated with climate change



Offer assistance with climate change risk assessment and risk management strategies



Coastal flooding
and inundation



Flooding from
extreme rainfall
events



Bushfire



Dust from
drought
conditions



Extreme heat

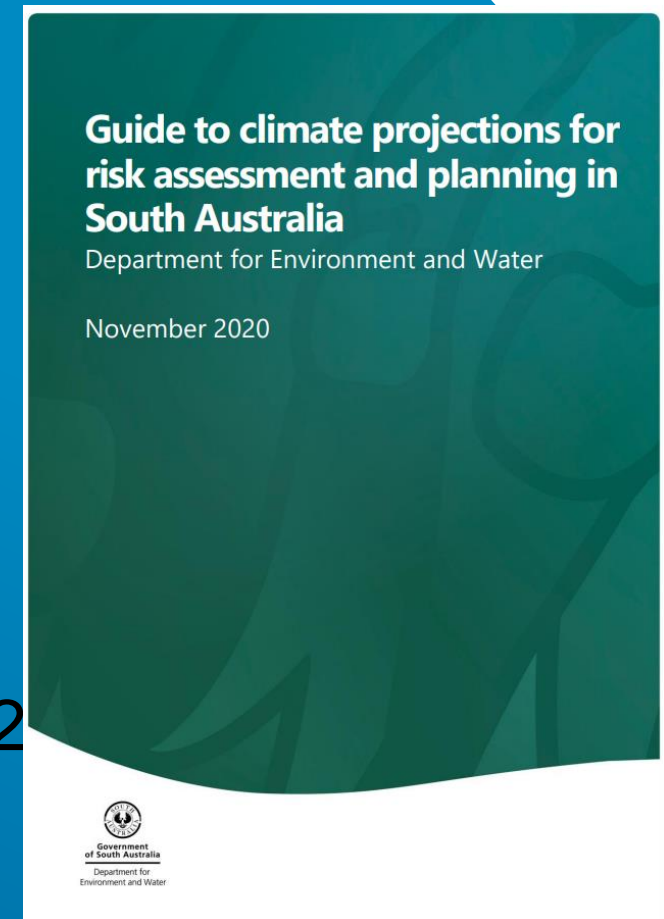
Overall climate risk rating determined from scores assigned to exposure, vulnerability and impact

Components of risk (likelihood and impact)

- Exposure
- Vulnerability
- Impact

Criteria

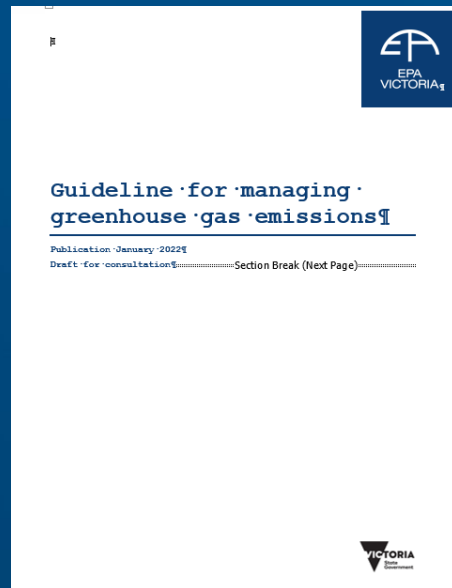
- Extreme weather events
- Projections to 2030 and 2050 (preferred) and 2070
- RCP 8.5 emissions scenario



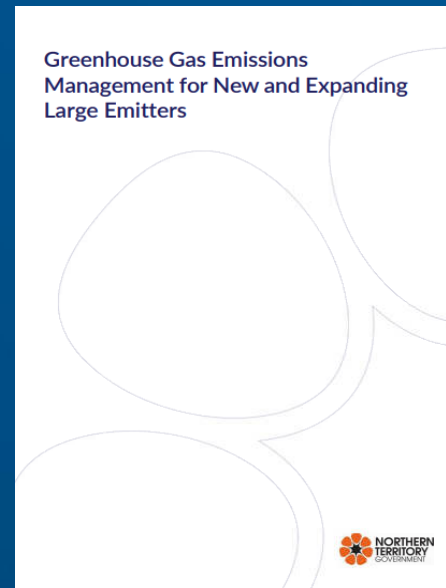
Beyond SA

Jurisdictions across Australia have started to focus attention on greenhouse gas emissions and ways of working with business/industry to plan for reduction.

Examples include:



<https://engage.vic.gov.au/new-draft-guideline-managing-greenhouse-gas-emissions>



https://depws.nt.gov.au/environment-information/large-emitters-policy/large-emitters-policy?SQ_VARIATION_1042148=0



<https://www.der.wa.gov.au/images/documents/your-environment/climate-change/Greenhouse%20Gas%20Emissions%20Policy%20for%20Major%20Projects.pdf>

Climate change: legal challenges



Climate litigation is a growing field.

National Environment Defenders Office intend to investigate **powers** of EPAs to **regulate greenhouse gas emissions**, investigate **government duties** towards mitigation and **take government and fossil fuel companies to Court** in pursuit of climate justice

NSW EPA **ordered** to develop environmental quality objectives, guidelines and policies to **ensure environment protection from climate change**

[Bushfire Survivors for Climate Action Incorporated v Environment Protection Authority [2021] NSWLEC 92]

Federal Court of Australia found the Commonwealth Environment Minister has **a duty of care** to **protect Australian children from climate change**

[Sharma v Minister for the Environment [2021] FCA 560] under appeal

Radiation management

Radiation Protection Control Act 2021

- 1982
 - E.T the movie released
 - Argentina invades the Falkland Islands
 - *Radiation Protection and Control Act 1982* passes South Australian Parliament
- 1988 – Minor amendments to the Act made
- August 2004 – National Directory for Radiation Protection first published
- November 2006 – Code of Practice for Security of Radioactive Sources approved
- 2011 – Minor amendments to the Act made (licensing)
- 2013 – Bill drafted and consulted on to modernise the Act and properly implement the National Directory and the Code of Practice for Security of Radioactive Sources
- 2015 – Bill postponed due to Nuclear Fuel Cycle Royal Commission
- 2019 –2020 Time to modernise radiation protection legislation in this State – review and consultation

Modern regulatory approach

- Graded approach to regulation based on risk profile – excluding some low risk issues rather than exempting and less regulatory burden for other low risk issues.
- Flexible regulatory tools – ability to use orders and expiations to achieve compliance rather than requiring prosecution for all infractions
- Utilising an appropriate Court or tribunal for administrative and criminal matters (currently Supreme Court)
- National alignment of approach (implementation of the National Directory)
- Security provisions that reflect the current security environment
- Applying a general duty for all users of radiation linked to clearly articulated principles for use (the Radiation Protection Principle)
- Reduced administrative burden wherever possible.

Thank you

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South Australia**

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