

South Australian legislative and policy reforms 2022- 2023

5 October 2022

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A/Manager Circular Economy and Waste



Acknowledgement of Country

We acknowledge the Kurna people of the Adelaide Plains as the traditional custodians of the land on which we live and work on.

We respect their spiritual relationship with Sea and Country and acknowledge their Elders – past, present and emerging.

We also pay our respect to the cultural authority of Aboriginal and Torres Strait Islander peoples from other areas of South Australia and Australia.

Artwork: 'Caring for Country', courtesy of Arrente man Scott Rathman

Container Deposit Scheme review

Yearly CDS Highlights

1,383 full-time equivalent jobs provided by the CDS

\$157m contribution to economic activity in SA

605m containers returned

40,354t recyclable materials recovered

\$60m refunded to the South Australian community

Overall return rate



2021 Discussion Paper “*Improving South Australia's Recycling Makes Cents*” received 250 submissions

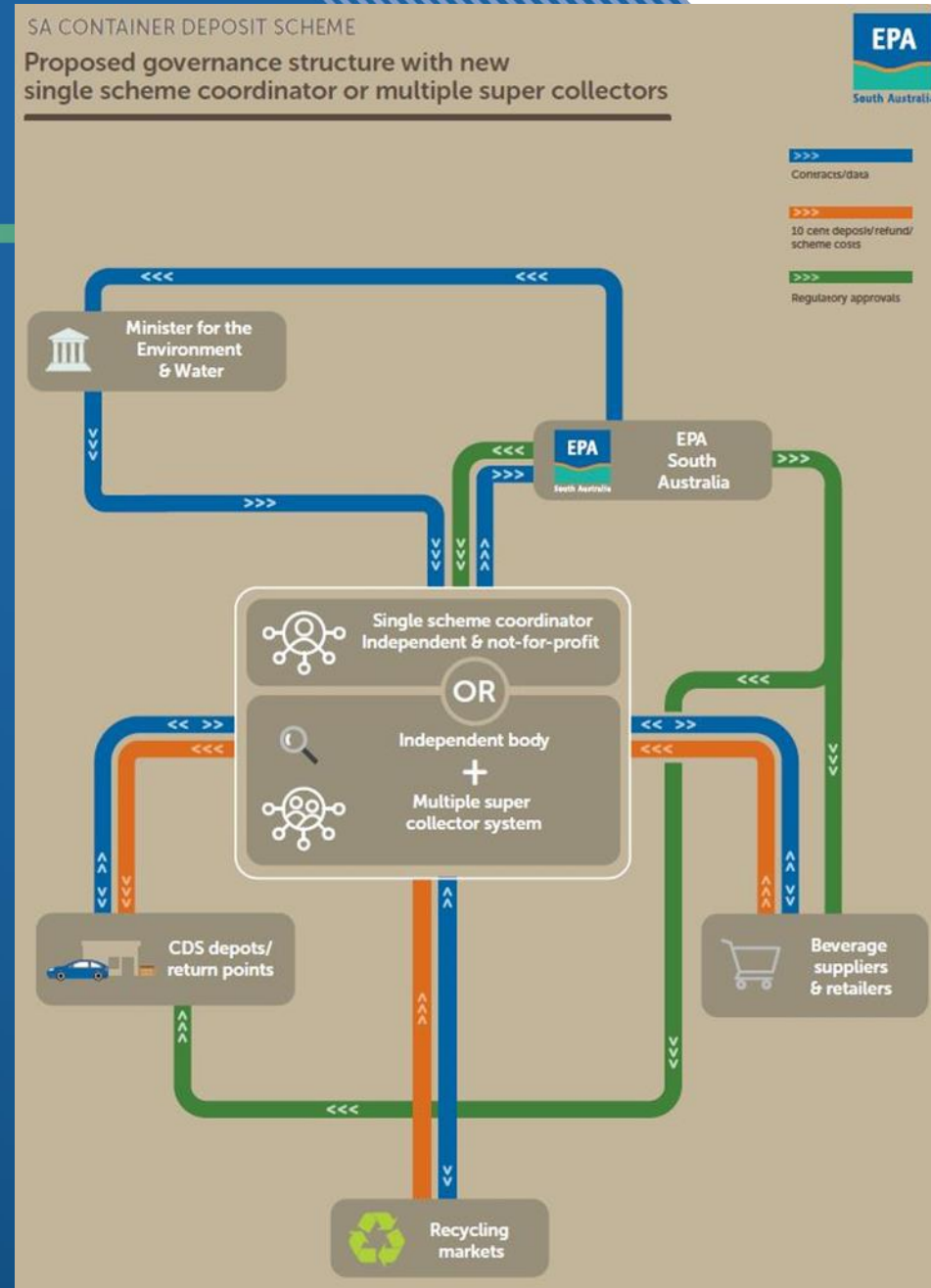
Key Issues

1. Objectives of the CDS
2. Beverage containers included in the CDS
3. Scheme Approvals and Container Markings
4. Container Return Rates
5. Governance Arrangements

CDS Review

Key Issue 5: Governance Arrangements

- Amend the CDS governance arrangements to increase transparency and accountability
- Appointment of an independent not-for-profit scheme coordinator
 - appointed by the Minister for Climate Change, Environment and Water
 - representation from beverage and waste and recycling industries



Container Deposit Scheme Review

Next Steps

- Finalise policy design and consult on draft legislation.
- Governance reforms alone will add around \$55 million per annum of extra value into the SA economy.

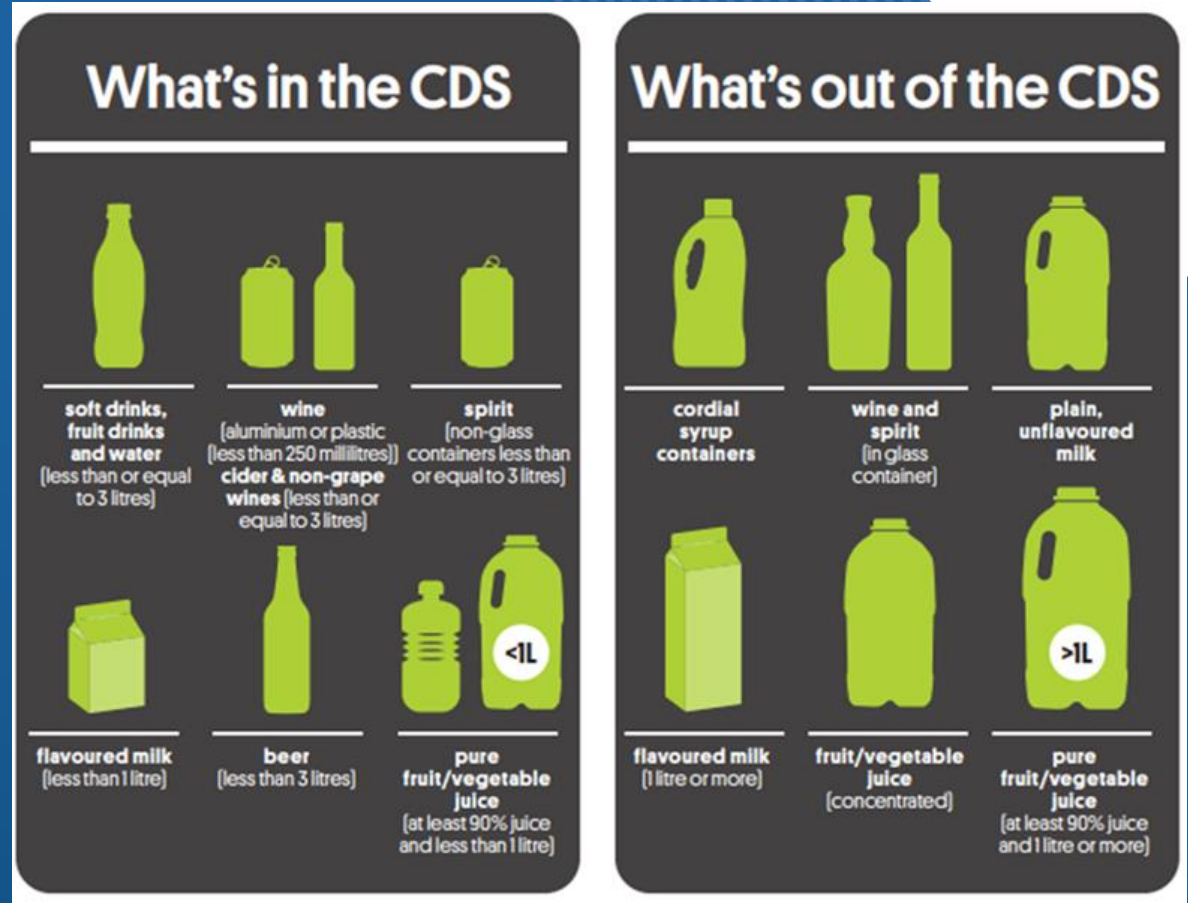














10c REFUND AT COLLECTION DEPOTS WHEN SOLD IN SA

Minimum 3 mm for numeric '10'

Minimum 1.5 mm for smallest letter in the text

Seek national alignment



What's in the CDS			What's out of the CDS		
					
soft drinks, fruit drinks and water (less than or equal to 3 litres)	wine (aluminium or plastic [less than 250 millilitres]) cider & non-grape wines (less than or equal to 3 litres)	spirit (non-glass containers less than or equal to 3 litres)	cordial syrup containers	wine and spirit (in glass container)	plain, unflavoured milk
					
flavoured milk (less than 1 litre)	beer (less than 3 litres)	pure fruit/vegetable juice (at least 90% juice and less than 1 litre)	flavoured milk (1 litre or more)	fruit/vegetable juice (concentrated)	pure fruit/vegetable juice (at least 90% juice and 1 litre or more)

Climate change: a whole of government approach



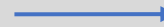
Emergency declaration acknowledges the importance of taking action to reduce greenhouse gas emissions and support adaptation.

May 2022.



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

Released December 2019.



*Action Plan implements the policy directions.
Describes the government-led objectives and actions.*

Released: December 2020.

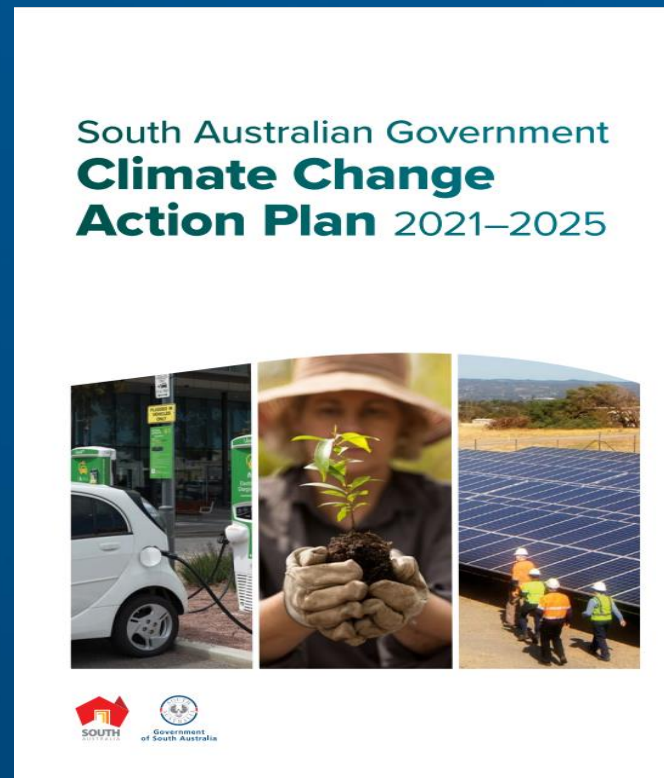
Further information available on DEW website:

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

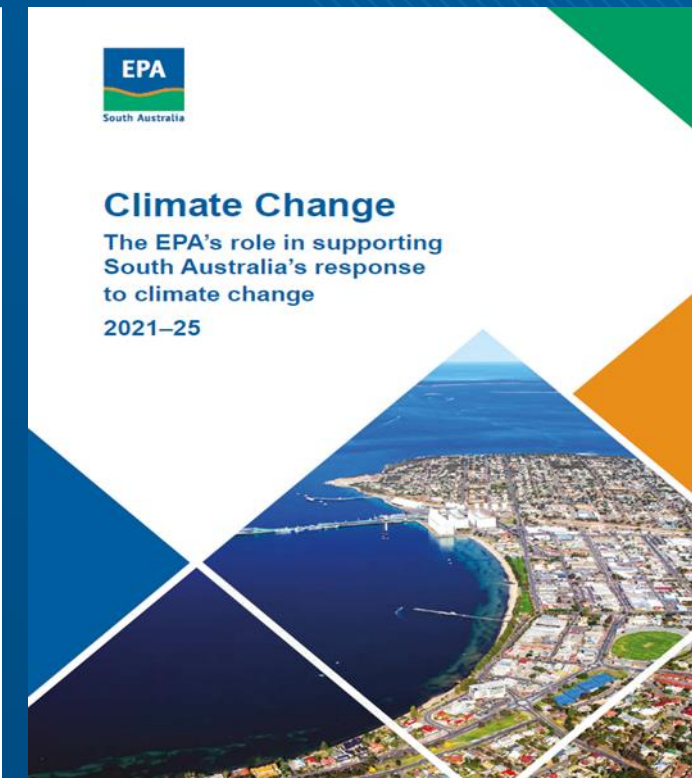
Climate change: EPAs approach

EPA actions and role set out in:

- SA Government Climate Change Action Plan
(*Actions 2.7, 2.12 and 5.7*)
- EPA Role Statement.

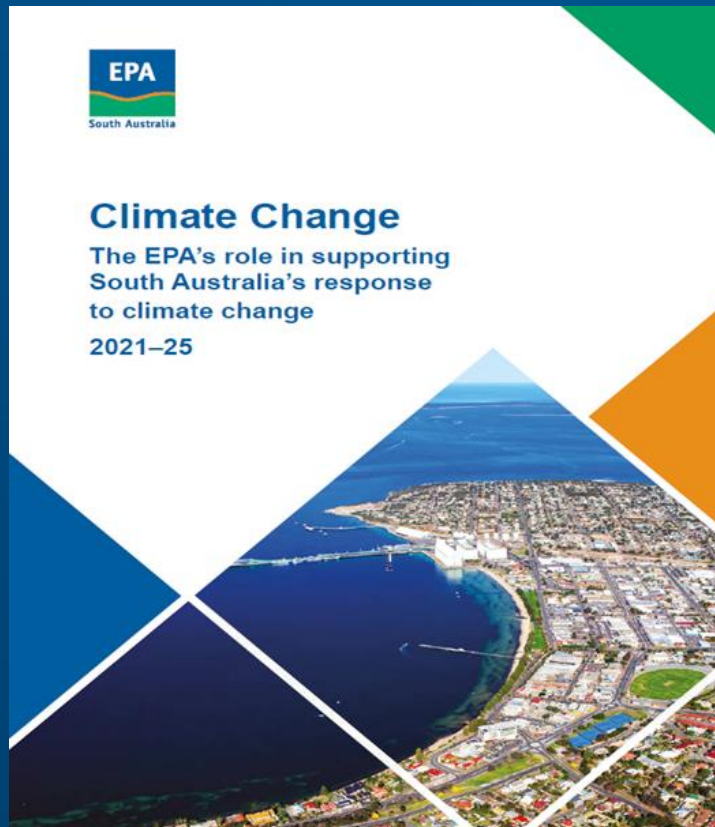


<https://cdn.environment.sa.gov.au/environment/docs/climate-change-action-plan-2021-2025.pdf>



https://www.epa.sa.gov.au/environmental_info/climate-change

Climate change: EPAs Role Statement



Released 9 February 2022.

Sets out EPA's role and focus in supporting South Australia's response to climate change. Packages up EPA actions from SA Governments Climate Change Action Plan.

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

Climate Change: EPA led actions

2.7

- Work with Environment Protection Act 1993 licensees to understand climate change risk and liabilities and enable adoption of risk management strategies

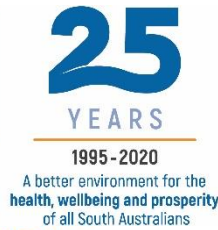
2.12

- Deliver a stronger regulatory framework to reduce waste and encourage greater reuse of materials to support a circular economy

5.7

- Assess climate change risks on development applications referred to the Environment Protection Authority for direction

Progress on actions



Key milestones reached:

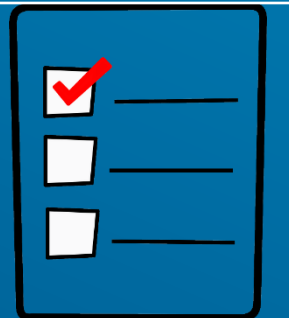
- Implemented Mass Balance Reporting on 1 July 2021
- Released CDS review discussion paper and considered stakeholder feedback
- Pilot approach under development to inform **adaptive management** approach for dealing with more frequent and extreme weather events.

Adaptive management: Incorporating climate change risk



Integrate climate risk with resource prioritisation and risk management processes

Work with pilot 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

First order risk assessment



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

Beyond SA – context for noting

Commonwealth

- Powering Australia: Commonwealth's governments plan to reduce emissions
- Climate Change Bill introduced: to set emission reduction targets for 2030 and 5050
- Consultation of Safeguard Mechanism reforms (Department of Climate Change, Energy, Environment and Water)

State

Climate change policies and role/approach of EPAs rapidly evolving in mitigation and adaptation. E.g.

- NSW EPA consultation on draft climate change policy and action plan (open)
- WA EPA consultation on Environmental Factor Guideline – Greenhouse Gas emissions (closed 21 Sept)
- Vic EPA demonstration of best practice management of greenhouse gas emission as required by the State Environment Protection Policy (Air Quality Management).

Environment Protection Authority South Australia

Draft Environment Protection (Commercial and Industrial Noise) Policy 2022

www.epa.sa.gov.au



Introduction

Unlike pollution of water or air by chemicals, noise pollution is not visible, but falls within the definition of both a 'pollutant' and 'environmental nuisance' under the *Environment Protection Act 1993* (EP Act).

The noise policy is an environment protection policy under the EP Act. It is linked to state development policy through the process of setting amenity levels based on zoning.

The policy serves three purposes:

- sets noise goal levels for various activities
- sets stringent standards to assess noise in new developments
- sets the measurement process and equipment standards

The existing Noise Policy (2007) also sets mandatory provisions for issues such as construction activity, fixed domestic machine noise, other domestic activities and building intruder alarm systems.



Context of the review

Need for the review?

- 15 years since the release of the current policy
- Over this time, EPA identified operational improvements to the policy
- Commencement of the *Local Nuisance and Litter Control Act 2016* (LNLC Act)
- Commencement of the *Planning, Development and Infrastructure Act 2016* (PDI Act)

What's happened so far?

- Stage 1 consultation with 65 key stakeholders in 2017
- Outcome of that consultation informed a Discussion Paper
- Discussion Paper released for broader Stage 2 public consultation in 2020
- Consultation Summary Report has been drafted

Now – about to start consultation

- The draft *Environment Protection (Commercial and Industrial Noise) Policy 2022* is proposed to replace the existing policy
- Development of the policy is subject to Section 28 of the EP Act

Proposed changes – PDI Act

Creation of independent noise policy definitions

- To ensure terms are distinctly different and independent from the PDI Act
- Example: ‘Locality’ to be replaced with ‘Designated Area’ as locality has a broader meaning in the context of the PDI Act

Minor changes to re-align the draft policy with current planning legislation including the Planning and Design Code.

- This will not change how the noise policy currently works

Indicative Noise Level Guidelines

OFFICIAL

Indicative noise level guidelines for the Environment Protection (Commercial and Industrial Noise) Policy 2022

Based on 21 July - Version 2022.13

INL

Zone	Sub Zone	Key point(s) for decision	Noise EPP Land Use Category	Day	Night
Adelaide Park Lands Zone		A range of passive and active recreational activities with a high-level of amenity	Residential, Commercial	57	50
Business Neighbourhood		A variety of housing and accommodation types and compatible employment-generating land uses in an environment characterised by primarily low-rise buildings	Residential, Commercial	57	50
	Melbourne Street West Subzone	A mixed use area accommodating low-impact employment-generating activities and a range of low to medium density housing.	Residential, Commercial	57	50
Capital City Zone		A vibrant mix of residential, retail, community, commercial and professional services, civic and cultural, health, educational, recreational, tourism and entertainment facilities.	Residential, Commercial	57	50
	City Frame Subzone	Primarily medium to high rise residential development...	Residential	52	45
Caravan and Tourist Park Zone		Tourist accommodation and associated services	Residential	52	45
City Living Zone		Predominantly low-rise, low to medium-density housing...	Residential	52	45
	Medium-High Intensity Subzone	Development of medium density accommodation types for living, including dwellings and supported accommodation.	Residential	52	45
	North Adelaide Low Intensity Subzone	Predominantly low rise low density housing on large allotments in an open landscaped setting.	Residential	52	45
	East Terrace Subzone	Predominately medium rise housing on large allotments in an open landscaped setting.	Residential	52	45
City Main Street Zone		A mixed use zone providing important shopping, hospitality, commercial, community, cultural and entertainment facilities for the city supported by medium to high-density residential development. Non-residential activities including shops, restaurants and licensed premises positively contribute to the day and evening economies, public safety, walkability and city vibrancy.	Commercial	62	55
	Gouger and Grote Street Subzone	Gouger and Grote streets continue to develop as an active restaurant and shopping precinct complementing the main entry points and activity of the adjacent Adelaide Central Market, while also supporting the retail, community and diverse cultural function of the wider precinct.	Commercial	62	55

Indicative noise factors

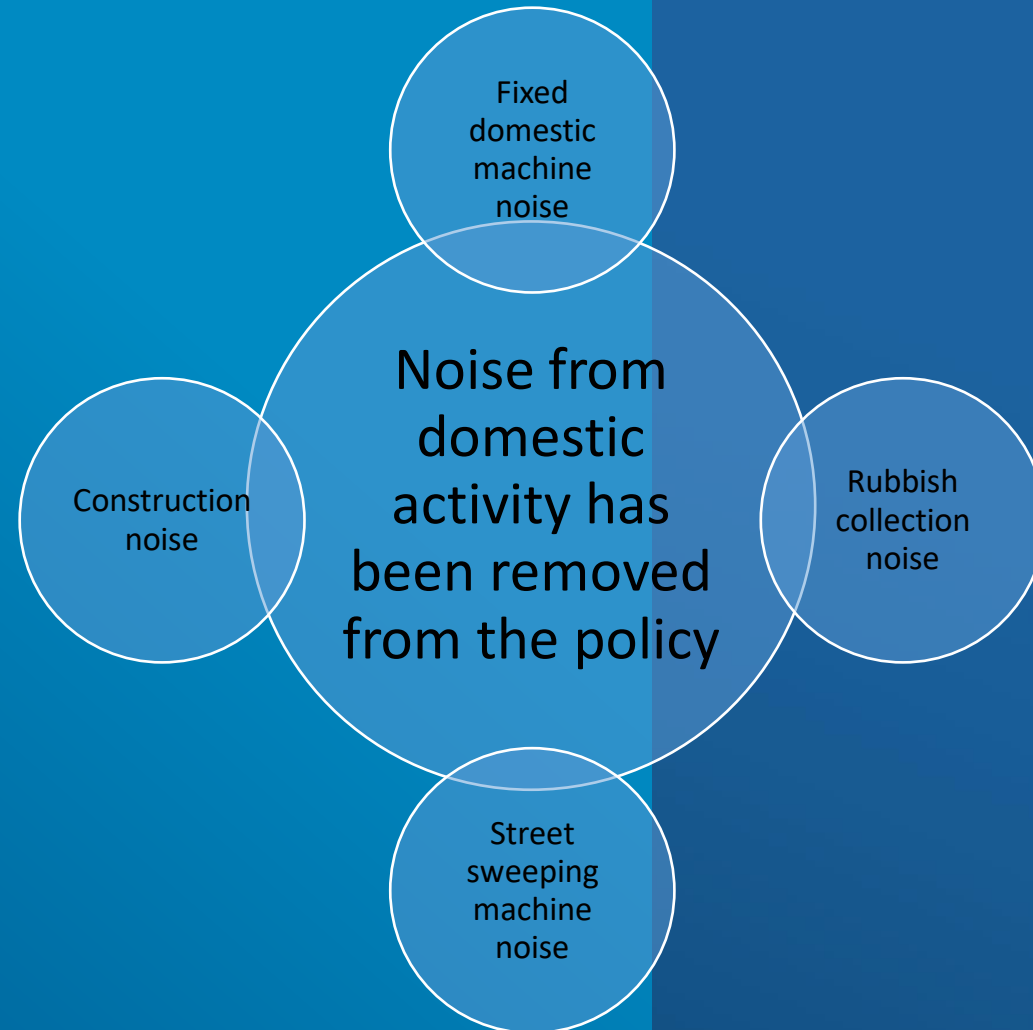
Table 1 (subclause (1)(a))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
General Industry	65	65
Special Industry	70	70



Table 2 (subclause (1)(b))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
Rural Living	47	40
Residential	52	45
Rural Industry	57	50
Light Industry	57	50
Commercial	62	55
General Industry	65	55
Special Industry	70	60

Proposed changes – LNLC Act



Proposed change – Intermittent

- Penalties are applied to noise with annoying characteristics such as tonality, low frequency, modulation or impulsive noise. 
- Proposed to add 'Intermittent' as a new additional noise characteristic that attracts a penalty. Intermittent noise characteristic is to capture a noise source that starts and stops multiple times during an assessment period which has the potential to increase annoyance. 
- Although an additional noise characteristic, it is not a new concept. Previously intermittent noise was lumped under the modulation noise character.



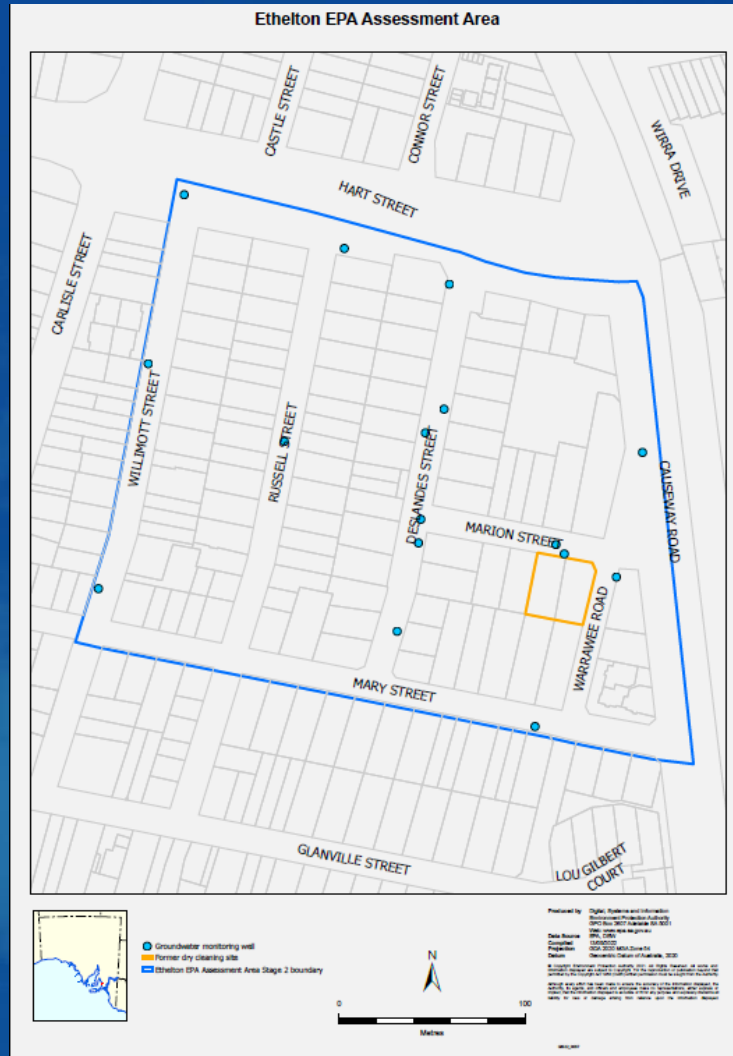
Other proposed changes

References to guidelines and standards have been updated

Schedule (1) – exclusions from the noise policy has been updated

Due to the removal of Part 6 from the existing Policy

Site contamination



Site contamination

4-Pollution and site contamination on the land - details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)? **NO**

b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*? **NO**

c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register? **YES**

In addition to this YES response a note included in the EPA response will also refer the potential purchaser to the EPA website to obtain up-to-date information in relation to this assessment area.

2-Pollution and site contamination on the land-questions for vendor

(5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

YES

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

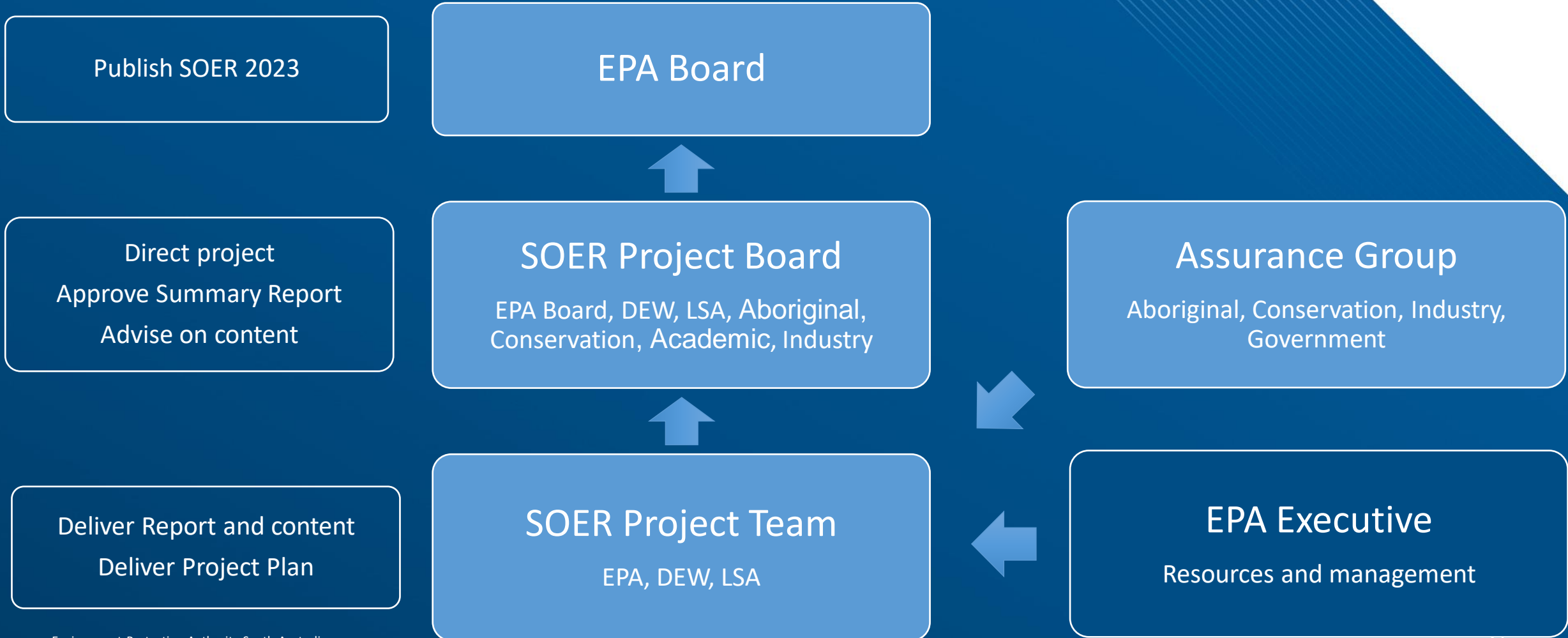
Ethelton Stage I and Stage II – occurred after vendor acquired an interest in the land

Looking forward



- State of Environment Report to be release 2023
- Review of Environment Protection (Waste to Resources) Policy

SOER 2023 – Project Governance



Key Milestones



Engagement and Consultation with Stakeholders

STAGE 1 Initiation

Oct 2021 – Apr 2022

- Confirm Project Plan.
- Establish Project Board, Assurance groups.
- Brief Minister.



STAGE 2 Engagement and Framework

Apr 2022 – Sept 2022

- Statewide engagement including regional visits
- Confirm SoER Framework for web and summary report.



STAGE 3 Content and Design

Sept 2022 – Mar 2023

- Collate and write content.
- Procure design services for web.



STAGE 6 Publication and Promotion

Nov 2023 – Dec 2023

- Present to Minister
- Release of SoER at stakeholder event.
- Promotion of SoER.



STAGE 5 Final Design and approval

Jun 2023 – Oct 2023

- Draft content uploaded to website.
- Draft summary report completed.
- Approval from Boards.

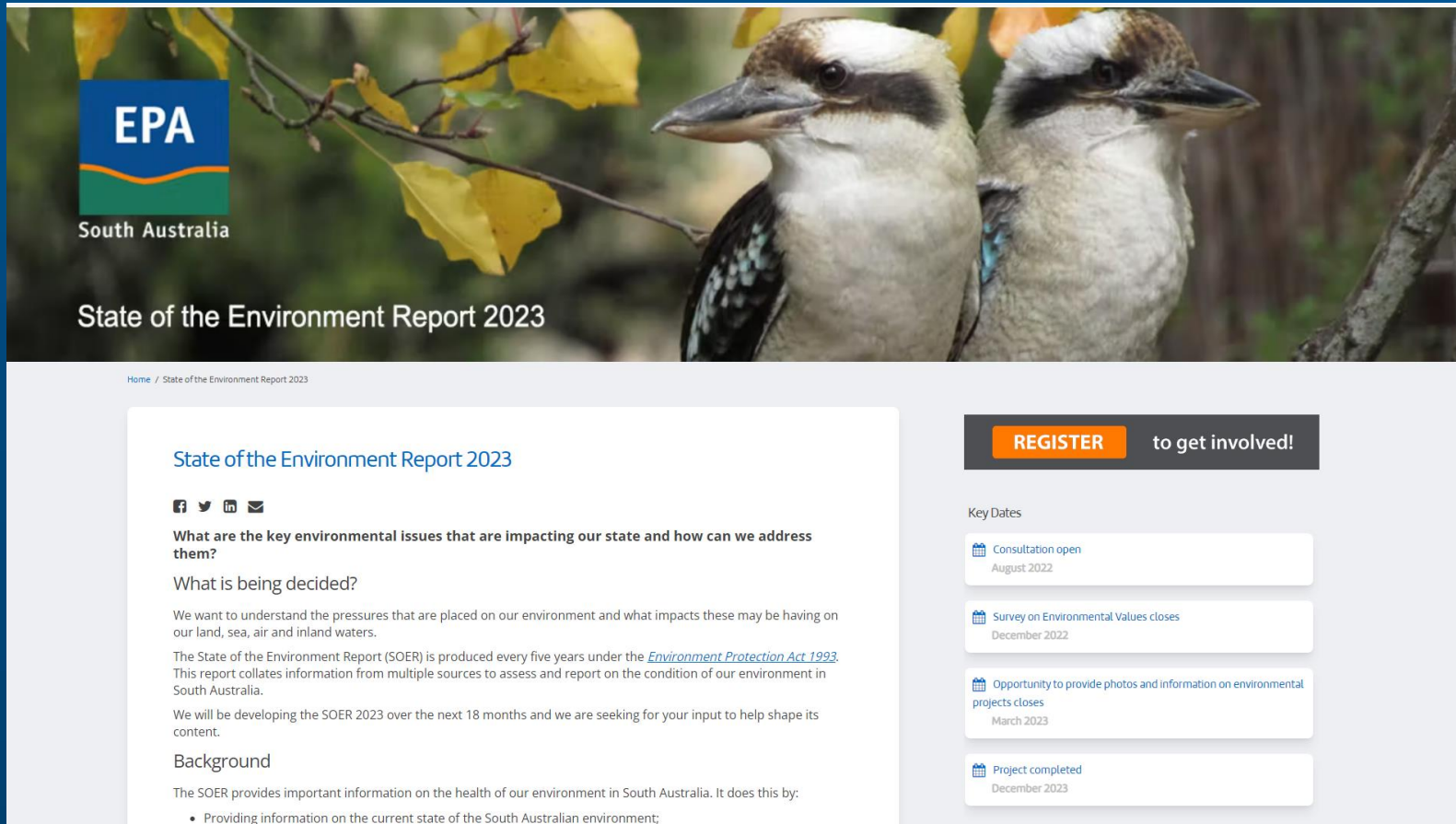


STAGE 4 Review

Jan 2023 – June 2023

- Feedback from project assurance groups on content.
- Review of content by Project and EPA Board.

Where to next – Engage and Collate



EPA
South Australia

State of the Environment Report 2023

Home / State of the Environment Report 2023

State of the Environment Report 2023

[f](#) [t](#) [in](#) [e](#)

What are the key environmental issues that are impacting our state and how can we address them?

What is being decided?

We want to understand the pressures that are placed on our environment and what impacts these may be having on our land, sea, air and inland waters.

The State of the Environment Report (SOER) is produced every five years under the [Environment Protection Act 1993](#). This report collates information from multiple sources to assess and report on the condition of our environment in South Australia.

We will be developing the SOER 2023 over the next 18 months and we are seeking for your input to help shape its content.

Background

The SOER provides important information on the health of our environment in South Australia. It does this by:

- Providing information on the current state of the South Australian environment;

REGISTER to get involved!

Key Dates

- 📅 Consultation open
August 2022
- 📅 Survey on Environmental Values closes
December 2022
- 📅 Opportunity to provide photos and information on environmental projects closes
March 2023
- 📅 Project completed
December 2023

Environment Protection (W2R) Policy

- W2R EPP commenced in September 2010
- Significant changes since 2010 – to the operating environment and in the resource recovery and waste management sector
- Substantial Waste Reform program - *Environment Protection (Waste Reform) Amendment Act 2017* introduced the concept “to promote the circulation of materials through the waste management process and to support a strong market for recovered resources”, and further defined the waste management hierarchy
- Circular Economy imperative - global transition towards a low carbon and circular economy
- EPA Priority - Initiative 6 in the EPA Corporate Plan 2022-23 is “to improve our approach to the regulation of waste and the promotion of a more circular economy”

Objective of Project

To effect legislative amendments to support a circular economy in SA, through a contemporary and effective regulatory framework that:

- a. reduces the generation of waste
- b. promotes the safe and appropriate circulation of materials through the waste and resource management process
- c. contributes to the reduction of greenhouse gas emissions through reducing the generation of waste
- d. encourages continuous improvement and highest value circular reuse and recycling by enabling the application of the waste management hierarchy by industry, business, and community
- e. supports a strong market demand for recovered resources by providing regulatory certainty, transparency and consistency

Thank you



Q&A

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