

**West's Road RDF & Waste Management
Community Reference Group
AOC
28th Meeting
Accepted Notes
22 February 2018
Conference Rooms A & B**

Present:

Cr Peter Maynard	- Councillor (Iramoo Ward), Wyndham City Council
Harry Van Moorst	- Environment group representative (WREC)
Julian Menegazzo	- Adjoining landowner representative
Jacqui Scott	- Community representative
Karen Hucker	- Community representative
Lisa Field	- Community representative
Caroline Lavoie	- Community representative
Lindsay Swinden	- Community representative
Michelle Lee	- Planner, Metropolitan Waste and Resource Recovery Group (MWRRG)
Stephen Thorpe	- Director City Operations, Wyndham City Council (arrived at the meeting at 5:10pm towards the end of Agenda Item 3d).
Simon Clay	- Manager Refuse Disposal Facility, Wyndham City Council
Liza McColl	- Business Analyst Refuse Disposal Facility, Wyndham City Council
Bruce Turner	- Independent Chair

Visitors:

Hayley Jarvis	- Team Leader Waste Strategy, Wyndham City Council
Stefan Fielder	- Principal Lawyer, Russell Kennedy

Apologies/ absent:

Cr Walter Villagonzalo	- Councillor (Chaffey Ward), Wyndham City Council
Cr Tony Hooper	- Councillor (Harrison Ward), Wyndham City Council
Kimi Pellosis	- Community representative

The meeting commenced at 4.30 pm. No conflicts of interest were declared.

1. Welcome and Introductions

Bruce welcomed members to the meeting. Bruce informed the group that Peter Haddow had submitted his resignation from the Community Reference Group. Peter's contribution to the group over the last two years was acknowledged.

2. Notes and actions from the previous meeting

The notes from the 27th meeting, circulated prior to the meeting, were accepted and will be published on the Council's website.

An 'action tracker' document with the status of outstanding actions from previous meetings was handed out. Bruce ran through the actions:

ONGOING ACTIONS – FROM MEETINGS PRIOR TO 14 DECEMBER 2017		
Action M18-6.2	<i>Circulate the auditor's report on the phytocap trial when it becomes available</i>	Pending - Auditor report not yet received. This action can be deleted from the action tracker in the future as it has been superseded by M27-7.2.
Action M23-7.2	<i>Simon to provide a report on work underway to address/respond to the RDF Annual Audit Report findings.</i>	Pending. Completed
Action M24-3.2	<i>Council to provide the CRG with an update on the status and timeline for the redevelopment of the Transfer Station.</i>	Deferred. Transfer Station Redevelopment Plan cannot be implemented until it is reviewed.
Action M24-5.2 And M26-9.1	<i>Council to invite Lend Lease to a future meeting of the CRG to discuss how best to represent the interests of future residents of the Harpley Estate in the CRG process (and wider community engagement).</i>	Lend Lease to be invited to attend April CRG meeting.
Action M24-5.3	<i>Council to pursue opportunities for screen planting along the Princes Freeway (in the road reserve in collaboration with VicRoads and/or on private land) to improve the view from the freeway.</i>	On hold due to lack of resources. Discussions with VicRoads progressing. Site investigations commenced. Underground services (high pressure oil pipeline) present may influence/constrain type of trees that can be used.
NEW ACTIONS FROM LAST MEETING – 14 DECEMBER 2017		
Action M27-5.1	<i>Simon to see whether he can circulate a copy of the MWRRG presentation and Discussions Paper on AWT and Case Study on the Milton Keynes Facility.</i>	Completed. Documents circulated on 19 February 2018
Action M27-7.1	<i>Simon to provide information on gas composition and air quality.</i>	Pending. Simon will need to request this information from LMS Energy, the operator of the Landfill Gas Management System.
Action M27-7.2	<i>Simon to circulate the auditor's report on the phytocap when this is available, before it is submitted to EPA for approval.</i>	Pending – Council has not yet received the auditor review of Phytocap Design Report.
Action M27-8.1	<i>Simon to discuss with Council's waste strategy team the potential to initiate a dialogue around the opportunity for waste management services for businesses in Wyndham.</i>	Pending

3. Strategic waste management and resource recovery

a. MWRRG Residual Procurement Project

Michelle Lee informed the group that the project was continuing to consult with councils about managing municipal residual waste through Advanced Waste and Resource Recovery Technologies (AWRRT's) to recovery more resources from waste that is currently sent to landfill. MWRRG is currently preparing a business case to inform local government decision-making about joining a group

procurement for municipal residual waste processing solutions in 2018. Community consultation will be the next step in the process.

Michelle explained that further information can be obtained from the project's website at:

<https://www.mwrrg.vic.gov.au/procurement/awrrt-procurement/>.

There was a discussion about the likely timing for when Advanced Waste and Resource Recovery Technologies would be available to divert waste from landfill. The best case scenario is probably around 2021.

Harry noted that it would be disastrous if waste continues to go to landfill until 2021 and said he felt that this timeline needed to be brought forward. He suggested that there are 'off the shelf' technologies available now and commented that the community should have the opportunity to have early input into the AWRRT project and not at the tail end when all the decisions have been made. Michelle noted that the State Government's waste to energy policy paper that was recently released for comment was aimed at starting a public conversation about this topic.

Lisa commented that there are opportunities to 'close the loop' in the whole of the waste cycle, eg fines for recyclables going to landfill. Harry suggested there should be a ban on recyclables going to landfill. Michelle commented that product stewardship and broader waste cycle management were the domain of Sustainability Victoria who work closely with MWRRG.

b. Werribee Junction Precinct Structure Plan

Liza informed the group that the Victorian Planning Authority (VPA) has commenced the preparation of the Precinct Structure plan for the Werribee Junction Precinct. They have undertaken a very broad assessment of the issues in the precinct to identify the information that they will need to prepare the plan. They have developed a list of studies and research that needs to be undertaken to obtain the information needed. The estimated budget to complete the background studies and prepare the PSP is about \$1 million. The RDF CRG will be consulted, as a key stakeholder, as part of the planning process.

The VPA has sent letters to each landowner, including Wyndham City Council in the precinct asking them to make a financial contribution towards the background studies and preparation of the PSP. Julian noted that he received a letter from the VPA and indicated that landowners affected had pledged their interest and financial support for the project. Council is currently considering the request for funding towards the PSP.

c. Wyndham Value Buffer Study

Council's strategic planning team have recommended work on this project. Michelle provided a summary of the project for the benefit of the new members of the group that didn't know what this project was. She explained that it is about introducing statutory planning tools into the Wyndham Planning Scheme to protect the RDF from encroachment by development of sensitive uses and prevent the creation of amenity issues from odour and noise.

Council previously prepared the Wyndham Value Buffer Study and performed odour modelling to identify the amount and location of land needed around the RDF. The next stage of the project is to recheck whether any additional strategic justification/research is needed, develop the statutory tools and introduce these tools by way of a planning scheme amendment.

The Council believes that this work is an important input into the Werribee Junction Precinct Structure Plan.

Action M28-3.1 Liza to circulate a copy of the Wyndham Vale Buffer Study Report and odour modelling information to all CRG members.

d. Recycling Industry Issue

Simon provided an overview of the current issues in the Recycling Industry that most of the CRG would have heard about. The issue started with fires at SKM in 2017 at a time when SKM were stockpiling materials to ride out changes in the global recyclables market (ie to sell the products overseas when the price for the products was higher). SKM receives 50% of kerbside recyclables. The other major recyclables re-processors are VISY and Polytrade. Following the fire, the government set up a taskforce to inspect recycling facilities and prepared guidelines/controls on the amounts of materials that could be stockpiled. The fire had considerable financial implications for SKM and on its ability to continue to trade.

At the same time, China introduced a new policy to only accept recyclables of a higher standard/quality. China is a major purchaser of recyclable materials but the acceptance of poor quality recyclables was creating environmental problems for the country. Whilst this policy had been around for a while, China started to enforce the policy more strongly which has had significant impacts on the supply markets in other parts of the world, including Australia.

As a result of the changes in the Chinese market for recyclable materials, VISY wrote to regional Victorian councils and advised that they would not accept recyclables under the existing arrangements. Many regional councils don't have anywhere to reprocess their recyclables and they are no longer receiving rebates for this material. A likely outcome of these issues is that there could be an increase in demand for landfilling.

Wyndham's contract for recyclables is with SKM which was still taking materials. SKM were attempting to trade out of their financial problems. They were still making rebate payments to Councils for materials but these are slow, with amounts owed to Councils between \$100K and \$1 million. In effect, local government was propping up the industry.

This situation would continue for at least 18 months. A State Government announcement about this issue was pending.

Harry asked whether anyone had done a calculation of the amount of recyclable materials expected to go to landfill. Michelle Lee advised that MWRRG was doing this work.

4. Wyndham Waste and Litter Strategy Implementation

Hayley advised that the Council adopted the following key strategic outcomes from the Waste & Litter Strategy at the February OCM following extensive briefings through the last 12 months:

- From July 1 each household will receive an extra hard waste collection (3 per year) in lieu of a reduction in tip tokens from two to one.
- The user paid green bin service will see a reduction in price by \$28.50 to gain greater access for all residents.

- Commencement of the standardisation of bin colours in new estates with new garbage bins being rolled out with red lids, in accordance with the Australian standard 4123.52008 Mobile Waste Containers.
- A review of the types of materials that can be accepted in Hard Waste Collection Services.

A further report will be presented to Council prior to 30 June looking at a number of additional waste disposal initiatives including pop up recycling days, discounted green waste and mattress disposal, and additional festive season recycling collections.

New collection contract negotiations will look at implementing a universal green waste service as well as including a full lid changeover of existing recycling and garbage bins to be compliant with Australian Standards. The new contract will be awarded in 2020.

Social media has generated commentary on the topic, with over 500 comments, 116 shares & 463 reactions (337 likes & 126 angry faces) to social media posts on the topic.

These changes are designed to help reach the ultimate goal of 90% waste diversion from landfill in the Waste and Litter Strategy.

Lisa asked whether Council was looking to change the frequency of collections. Hayley advised that this option was not currently being considered but was something that could be looked at. Hayley also suggested that we could look at reducing the size of the garbage bin (current yellow bin lid should become red). She noted that some councils have reduced the size of the garbage bin to 80L, however she would not support this until we decreased the amount of food organics garden organics (FOGO) placed in the garbage bins. The diversion of food organics from the garbage bin to the green waste bin recorded in the FOGO trial in Wyndham in June 2016 was low.

5. EPA Works Approval Application

Stephen advised the group that the appeal was proceeding to mediation ('compulsory conference') in March and a hearing in May if needed. Stephen advised that the appeal meant that 140,000 tonnes needed to be diverted because the existing landfill cell is nearing capacity. Customers have already started to send waste to alternative locations, mostly likely MRL. The appeal could mean \$13.6 million was lost at the RDF with a \$7 million negative impact on Council's 2018/19 budget. There is also the potential for an additional \$1 million in costs to be made against the Council from contracted customers that have had to divert their waste.

Stephen noted that Council believed the Works Approval would be issued eventually, albeit with different conditions.

Stephen Thorpe introduced, Stefan Fiedler, Council's lawyer who was acting on behalf of Council in relation to the Appeal against the works approval to give an overview of where things were at with the works approval from a legal strategy point of view. Stefan noted that he is aware that there were members from the applicant for the appeal at the meeting.

Bruce clarified with Council and Stefan that the purpose of the presentation was for information and the current meeting was not intended to debate the matters before the Tribunal.

It was noted that Council sought to have the appeal application struck out at the Directions Hearing. This application was unsuccessful. The Tribunal had then urged the parties to narrow the grounds for appeal further, and settle if possible.

Stefan advised that the applicant's grounds were that the works approval was inconsistent with waste management policy and the BPEM (EPA's Best Practice Environmental Management for landfills) in the following five areas:

Ground 1 - The type of landfill is inconsistent with policy. The proposal is for a mound landfill. EPA has undertaken an insufficient assessment of a mound type landfill.

An expert witness will be obtained to look at this issue.

Ground 2: The proposed slope stability is inconsistent with the policy objective and presents OH&S risks.

Stefan noted that Council had retained an expert witness and auditor to look at this issue. The proposed slopes were no different to any other landfill; WCC had not come up with a radical design. Jacqui noted that there had been issues with the slopes on cell 4a in the past. Simon explained that the slopes on cell 4a would not be repeated. The RDF now has GPS units on all compactors that ensure correct levels.

Ground 3: The design measures to protect the Long term undisturbed groundwater are inadequate and the assessment was inadequate.

Stefan noted that Council had included additional design measures to address any risk to groundwater and there were 16 monitoring groundwater monitoring wells. He also noted that the grounds were only about the design and did not say that Council would pollute the groundwater. A leading expert has been obtained and further hydrological assessments would be undertaken.

Ground 4: Offensive odour beyond the premises. The odour modelling did not adequately deal with the area above ground.

Stefan said this was the least surprising ground. There is not a landfill that doesn't omit odour beyond the boundary under certain conditions. Most industries have the same issues. Additional information and expert evidence will be obtained.

Ground 5 – Requirement to maintain a smaller tip face and insufficient assessment that the tip face can be managed.

Further information and expert evidence would be presented to show that the proposed tip face can be managed through operational procedures and licence conditions.

Stefan said he was confident that Council would be successful in obtaining a works approval. He believed WREC would have difficulty proving that the works approval did not comply with the policy, because the policy was performance-based and flexible. The policy had objectives, but there was no prescriptive set of rules about how Council needed to operate its business to achieve these objectives.

The five day hearing had been set for May. A decision was expected mid- to late-July. VCAT's decision could only be appealed to the Supreme Court if there was an error of law that had changed the decisions. Jacqui asked whether the public could attend the VCAT hearing. Stefan answered that the compulsory conference would be closed and all discussions there would be 'without prejudice', which

meant that anything (eg options or offers) raised that were not agreed could not be raised later. Stefan advised that the public could attend the later VCAT hearing if it proceeded.

Julian asked whether the waste diversion had affected the night or day time operations. Simon advised that it was mainly the day time. Julian commented that that the night time noise issues were getting better.

Harry noted that WREC acknowledged that landfill was needed for the next 2-3 decades. He also noted that WREC was disappointed that Council had attacked WREC's standing at VCAT.

Jacqui asked whether all the expert witness evidence was made public. Stefan advised that this evidence would be presented as part of the proceedings, after which time the documents would be in the public domain.

Jacqui asked if the appeal went to a hearing (ie not resolved at the compulsory conference), was Council entitled to claim costs. Stefan advised that the VCAT Act allowed a party to claim costs and the VCAT member made it clear that costs can be claimed if the grounds are frivolous.

Stefan commented that there was a lot going on in the waste industry at the moment. There were complex issues that were making planning around landfilling very difficult.

Julian asked what was happening with the Waste Baling concept that was talked about at a previous meeting. Simon noted that the current situation with the works approval made it very difficult to do forward planning on this concept. Simon said he was expecting to receive a feasibility study that week. If Council obtained approval to continue to construct landfill cells, and if the baling study showed that this concept was feasible, the next stage would be to complete a detailed design stage (18/19 year). The project could then be costed and a budget obtained (19/20).

Julian asked whether a works approval would be needed to introduce baling at the RDF. Simon indicated he would need to speak to EPA about this. Baling waste may impact on the landfill gas and leachate so EPA may need to be involved. Julian later asked if the baling concept was a 'pipe dream' or a realistic idea for future implementation. Simon indicated that it was feasible but would likely take some time to implement.

6. Proposed Minor Capital Works

a. Process for referrals of proposed minor capital works requiring to CRG.

Simon and Liza explained that any new buildings and works at the RDF that are not shown on an endorsed plan that forms part of the current planning permit, and are not required to comply with a Works approval, require planning approval. Depending upon the nature and scale of the works, either a new permit or an amendment to the existing permit is required. There are two main ways to amend a planning permit. A secondary consent amendment does not need to be advertised and has no third party appeal rights. This is also known as an 'administrative' amendment because they can be processed relatively quickly and easily. This compares to the 'standard' amendment process which involves advertising and third party appeal rights.

Recent discussions had been held with Council's town planning department about the use of secondary consent amendments for proposed minor works at the RDF. Planning would be more comfortable processing secondary consent amendment applications from the RDF if the proposed works had first been considered and endorsed by the RDF CRG.

There was a discussion about when a proposal would be considered minor. Liza advised that there are a number of tests but it is usually up to the discretion of the planning department. The tests relate to how much the proposal changes the original proposal and the impacts or material effects of the proposed new works, rather than the cost.

The CRG agreed that it would like to consider all planning proposals and to act as a referral for proposals seeking secondary consent. The group felt that this role was already covered within the group's terms of reference. Liza undertook to confirm this. Bruce noted the group already plays a formal role in reviewing amended statutory plans for the RDF as part of Council's planning approvals process.

Karen asked whether all buildings and works under \$1 million undertaken by Council were already exempt under clause 62 of the Planning Scheme. Liza felt that while clause 62 may be legally valid it may not be appropriate to use this clause for exemptions, given the commercial nature of the facility.

Action M28-6.1 Liza to speak to Council's Town Planning Department about whether all buildings and works at the RDF undertaken by Council, but which are NOT needed to comply with a Works Approval, are exempt from a permit requirement.

Action M28-6.2 Liza to review the terms of reference to determine whether it is adequate to provide the CRG with the necessary power and processes to endorse secondary consent amendment applications.

b. Water tanks

Liza informed the group that two new galvanised steel 250,000L water tanks would be installed at the RDF to increase the amount of water available on site for fire-fighting purposes. It is a condition of the draft works approval that adequate fire-fighting equipment be available on site. Liza showed the group the proposed location for the tanks on an aerial photograph of the site. The installation of the tanks does not require any further statutory approvals because the upgrade of the fire fighting equipment (including tanks) is a requirement of the works approval. All works required to comply with works approval do not need a permit.

The Group endorsed the installation of the two water tanks.

Julian noted there is a large recycled water pipeline approximately 2km from the RDF at Browns Road. Liza said the potential to connect the RDF to this pipeline had been discussed with City West Water who have said it was not feasible. There was a general view amongst CRG members that it would be good to pursue idea this further and that this would be in line with Council's Integrated Water Strategy.

Action M28-6.3 Council to initiate further discussion with CWW of the idea of recycled water being connected from Browns Road to the RDF.

c. Perimeter fence and litter net

Liza advised the group that it is proposed to install a 14m high perimeter fence and litter net. The works approval currently subject to appeal at VCAT has a requirement for a perimeter litter fence/net with a minimum height of 10m and maximum height of 12m.

The concept that Council was currently working on is an integrated structure with a 12m high litter net on top of a 2m high chain mesh security fence, to make the most of the limited space available. All materials will be black. Liza showed the group the proposed location of the new fence on an aerial photograph of the site. The fence and litter fence would commence at the existing leachate pond on the eastern side of the site and continue along the eastern and northern perimeter of the site for 1.5km. The group questioned why the fence was only proposed for this location and not the whole site. Liza said this location was chosen because it aligned with the perimeter of the next landfill cell to be constructed (subject to works approval). She explained that Council had chosen to build the fence 2m higher than the maximum 12m height specified in the condition of the works approval, to achieve a higher standard of performance. Council will need to apply to EPA for an amendment to the works approval.

The Group endorsed the installation of a perimeter fence and litter net up to 14m high.

7. CRG Annual Membership Renewal Process

Liza reminded the group that Jacqui Scott and Harry Van Moorst (on behalf of the Western Region Environment Centre) are scheduled to end their three year term on the Community Reference Group on 30 June 2018. Peter Haddow was also scheduled to end his three year term at that time, however his recent resignation means that his position is already vacant and can be filled. An expression of interest (EOI) process, similar to last year, will be used to refresh these positions (two community members / one environment group). The EOI process will commence in March 2018 so that recommendations of the EOI evaluation panel can be considered and endorsed by Council prior to 30 June 2018. The evaluation panel will again be Simon Clay, Bruce Turner and Cr Peter Maynard.

There was a discussion about whether to try to fill the current vacancy created by Peter Haddow's resignation now. The terms of reference does not prescribe a process for how to deal with mid-term resignations. It was agreed however that given this position only had a four month term remaining that it would be prudent to fill this position through the upcoming expression of interest process.

It was noted that existing members of the CRG were eligible for selection for another three year term through the expression of interest process.

8. RDF Operational Update

There was insufficient time to discuss this item.

Action M28-8.1 Simon to distribute information on performance data, EPA compliance, cell construction and cell rehabilitation to members of the CRG via email.

9. Members' report

a. E-waste ban

Lisa raised the upcoming State e-waste ban for discussion. The e-waste ban is a significant step towards reducing landfill. Lisa said she felt there hadn't been adequate information about the ban, nor promotion of a system to collect e-waste, to enable communities to embrace this change. Lisa said she wrote to Council seeking information about what Council is doing to help the community to change their behaviour and comply with the ban and was disappointed with a generic response.

It was agreed that the community will need more information about how and where to dispose of their e-waste. There is a risk that e-waste will continue to be buried in garbage bins or illegally dumped. e-waste recycling days and Hard Waste Services are options but people are unlikely to want to have to store it to wait for these services. It was important to make sure the community has as many options as possible for timely and convenient disposal so as to facilitate compliance.

Lisa noted that e-waste can be dropped off at Charity bins in Maribyrnong and that there are companies who will pick e-waste up for free. Lisa suggested that Council should review the current e-waste disposal locations and ensure that there are adequate strategic spots for e-waste collection in Wyndham, apart from the Wyndham RDF. Lisa suggested that Council should look at promoting the e-waste disposal options and services. It also needs to provide clear information about what e-waste items can be collected in the hard waste collection service.

Karen asked for clarification about Council's Environmental Fund and whether this fund could be used to promote this. Simon explained that 3% of the operating surplus of the RDF is put into a budget in the Waste Strategy and Education Department. Simon does not have any control/access to this budget.

Action M28-9.1 Simon to ask Council's Waste Strategy and Education Team for further information about Council's response to the forthcoming e-waste ban.

10. Other business

No other business items discussed.

Next meeting

The next meeting is at 4.30 – 7.00 pm on Thursday 26 April 2018 in Conference Rooms C & D.