



The Queensland Murray-Darling Committee Inc. Submission on the Draft State Planning Regulatory Provisions Particular Waste Management Activities on Existing Landfills November 2011 (SPRP)

Submission To:

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This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) organisation that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

1.0 Background

The scope of QMDC's core NRM business includes waste management given the major impact of waste on the management and sustainable use of natural resources. Waste management is identified as a key issue in the Regional NRM Plan. QMDC has consistently recommended actions by the State to secure sustainable waste reduction and recycling outcomes at local, regional and state levels by aligning legislation with regional planning instruments.

QMDC's submission is informed by discussions with community members and groups, local and State government staff and representatives. These discussions identified the need to analyse waste management and recycling opportunities against nationally and internationally accepted priorities in conjunction with regional NRM plans and other relevant regional planning instruments, for example, Regional Council Strategic Plans, the Maranoa Statutory Regional Plan, the Queensland Waste Strategy 2010 -2020, the Queensland Government's Coal Seam Gas Water Management Policy, and the Surat Basin Future Directions Statement.

QMDC has made submissions urging the State to improve legislation, policies, and planning to both, prevent or manage waste impacts in the QMDB on the following:

- **Product Stewardship (Television and Computer) Regulations 2011**
- **The Waste Reduction and Recycling Bill 2011**
- **The Temporary State Planning Policy 2/11 Planning for stronger, more resilient floodplains September 2011 (TSPP)**
- **Queensland's Waste Strategy 2010–2020 Waste Avoidance and Recycling Consultation Draft**



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2.0 General comments

QMDC in general supports the intent of the SPRP to implement regulatory provisions for existing landfills. Strategic and better alignment of planning instruments with the *Waste Reduction and Recycling Act 2011* will improve the capacity of the State to fulfill its waste management obligations.

3.0 Specific comments

3.1 Section 2.2 Duration of these State planning regulatory provisions

QMDC would recommend that the expiration clause (SEE 2.2.1 at p.1) needs to be qualified to take into an account an evaluation of the provisions and whether they need to either remain in place as is or with amendments or alterations depending on implementation and progress within the five year timeframe. The aim would be to facilitate development of landfills that recognises local governments are not all currently at the same starting point to implement these provisions. Additionally they do not all share the capacity to act on these regulations.

3.2 Section 2.3 Development to which these State planning regulatory provisions apply

QMDC supports operating landfills not being developed in natural hazard management areas (flood) as per 2.3.2. However QMDC is concerned owing to the fact that mapping of all natural hazard management areas (flood) in the QMDB is not completed. If there are existing landfills currently operating in these areas and the SPRP do not apply how will they be regulated?

The true extent of the impact of the series of flood events in the QMDB is yet to be understood. The magnitude of damage in the Condamine, Border Rivers and Maranoa Balonne Catchments is significant.

In our submission on the TSPP, QMDC supported the identification of a natural hazard management area for flood, however recommended the inclusion of a clear, formal definition of "flood event". The Bureau of Meteorology refers to sizes but not a specifically "defined flood event". It is unclear whether or how the event is to be defined in relation to flood level and size or the probability of experiencing the given flood. Is it, for example, the maximum flood area, or 'Q100' level or performance based or a Q100 event plus performance based or more regular inundation? It should be recognised that flood events are almost unique in terms of rainfall distribution within a catchment; flow patterns; and changing development within a catchment. All these factors plus others influence the severity of floods. QMDC suggests a more adaptive approach or definition may be, for example, no landfills on floodplains considered less than 1% slope and/or no landfill located within 500m of a class 7,6, or 5 order stream.

QMDC also recognises the need for more training of local government staff or the provision of funding for technical expertise to ensure the identification mechanism is informed and facilitated by best available science and appropriately skilled technicians.

Produced by: Kathie Fletcher, Geoff Penton; 27 January 2012
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QMDC raised a number of concerns in relation to the associated overlay maps and the determination of Natural Hazard Management Areas (NHMA). The TSPP did not articulate whether these areas and their related overlay maps denoted a “fuzzy” or “binary” membership where local governments set development limits within floodplain areas. QMDC recognises that binary membership poses challenges to the outcome sought, for example, the level a freeboard is set. QMDC is concerned that if local government seek development in their region they may want floodplains to be defined as a smaller area than may be necessarily so.

QMDC suggest if the NHMA denote fuzzy membership, including a “buffer” zone with the NHMA, it could serve to alert where there is potential for error or inaccuracy. Additionally a binary membership, if it is to denote a definitive layer, should include a clear process to update the NHMA with new or improved data after, for example, subsequent floods or more refined mapping.

The spatial resolution of the map imagery provided with the proposed TSPP was too broad to catch the smaller upland creeks and streams. QMDC’s GIS and mapping flood recovery efforts after the 2010/2011 events observed greater damage than what these TSPP maps offered.

In QMDC’s opinion, the TSPP needed to clarify what sort of proof is acceptable when local government proposes to define or amend an Interim Floodplain Assessment Overlay Map and Model Code. The TSPP also needed to identify who will oversee this process QMDC recommends that guidelines clearly outline how and who can change maps.

Ongoing mapping, modelling and analysis support is essential for the TSPP to be a useful planning tool to local government and communities living on floodplains. QMDC supports the application of an extensive mapping process to evaluate floodplains across Queensland for a wide range of purposes including waste management.

QMDC recommend that 2.3.2 (SEE p.1) includes the following requirement:

- That appropriate planning and design of infrastructure at the landscape and local level must identify and adequately protect all waterways, floodplain functioning and wetlands, considering values and function, taking into account:
 - In-stream flow regimes
 - Surface water flow systems (e.g. potential contaminants such as salt, erosion, groundwater interface, barriers to movement of flow and in-stream species risks)
 - Ground water flow systems
 - Riparian function (e.g. ground cover, bank stability, habitat, connectivity)
 - Wetland and floodplain function

Regional NRM Plans should be considered by key stakeholder organisations or institutions when they are implementing policies, plans and regulations. Greater regional and nationwide recognition of the role regional NRM Plans play will help to promote waste



management strategies that address challenges caused by landfills and which serve to identify and protect both regional and national significant floodplain ecosystems.

3.3 Section 2.8 Code

QMDC is concerned that in the QMDB there is a lack of regional data to determine a baseline by which air quality can be measured to address current and potential landfill development impacts on human and flora and fauna health.

“Acceptable outcomes” as per 2.8.2 (SEE p.4) should in QMDC’s opinion include a clearly illustration on how the development takes into consideration both the prevailing wind direction (north to northeast) and significant winds from south to southwest (using a wind rose applicable to the nearest BOM observation point) across a development area and how air quality around any neighbouring homes and townships will be managed.

QMDC submits that regional air quality issues must be analysed in relation to the cumulative impact of all operations within the landfill development area.

Any control measures must include regular and ongoing monitoring and not just promote monitoring only on a complaint basis.

All construction activities, operation of infrastructure are likely to impact on air quality and increase noise, smell, lighting and dust levels.

Control strategies to deal with adverse weather conditions before construction activities require serious consideration and should be articulated clearly within an *Air Management Plan* as part of AO1(SEE p.4). These plans need to identify areas where construction should not proceed because of risks associated with climate change and variability.

QMDC recommends including in the Code an outcome addressing Greenhouse Gas Emissions.

QMDC submits that there is the enormous potential for the waste management industry to realize savings in energy costs and associated GHG emissions through energy efficiency improvements.

QMDC supports in tandem with energy efficiency actions the implementation of an environmental re-vegetation offset program to offset GHG emissions but only if construction clearing does not disturb terrestrial vegetation corridors, or cause scouring and erosion of river banks. The biodiversity condition and ecological health of native vegetation in priority catchments must be maintained or improved regardless of the need for GHG emission offsets.

QMDC is concerned about the noise and lighting impacts caused by landfill construction and operational activities and recommends extending AO4 (iv) (SEE p.4) to include fauna. Further investigation is required to comprehensively address impact of noise and lighting on affected residents and fauna, including aquatic life.



3.4 Schedule 1- Definitions

QMDC recommends broadening the definition of erosion prone areas to address salinity and soil erosion issues specific to the many diverse regions of Queensland.