

Information Sheet No. 1-1

Introduction to the approvals and licensing process for composting facilities

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Inside This Sheet

1 Why do composting facilities require approval in NSW?

2 Why do composting facilities require an environment protection licence in NSW?

Definitions

Step-by-step process to obtain approval and a licence

3 Important references

Acknowledgement

Why do composting facilities require approval in NSW?

Composting and recycling of organic resources that are traditionally disposed of in landfill is an important NSW Government waste management strategy (NSW EPA, 1997).

However, poorly managed composting operations can have a significant impact on the environment and on the amenity of the community.

Thus, *development consent* for composting facilities is usually required under the Environmental Planning and Assessment Act (1979) from local council or other government authority so that:

- composting facilities are located in areas appropriate to the scale of their operations, and land with appropriate environmental capacity and with surrounding land uses are compatible with the likely amenity impacts;
- to ensure that composting facilities are located where they have minimal affect on heritage items or heritage conservation

areas; scenic, visually or environmentally sensitive land; ground or surface water quality; air quality; ambient noise levels; and rare or endangered flora or fauna;

- to ensure that composting facilities are located on land sufficient in size to enable their operations to occur in an orderly manner whilst allowing sufficient space for any necessary environmental safeguards;
- to ensure that composting facilities are located in areas assessable to their end users and with access to appropriate and adequate transport networks; and,
- to ensure that composting facilities are designed, constructed and operated using contemporary best practice methods to minimise impacts on surrounding areas or the built and natural environment (Inner Sydney Waste Board, 2000).

Development applications for composting facilities are performance based and are assessed in accordance with the provisions of the Environmental Planning and

Plate 1. Photograph of a basic outdoor windrow composting operation.



Assessment Act (1979).

Composting facility development proposals will fall into a number of possible categories under this Act, and may be:

- Local development (refer s. 76A ss. 4);
- Advertised development (refer s. 79A);
- Integrated development (refer s. 90-93B).
- Designated development (refer s. 77A-79 and Schedule 3 of EP&A Regulation, 2000).
- State significant development (refer s. 88-89A).

A review of the complete development assessment process is provided in Information Sheet No. 1-4.

Why do composting facilities require an environment protection licence in NSW?

Commercial composting facilities are licensed in New South Wales by the Environment Protection Authority under the Protection of the Environment Operations Act (1979).

An *environment protection licence* is required by most composting facilities, under this Act to regulate their impact on the environment.

Conditions are specified in the licence to ensure that the operator of the composting facility minimises impacts on the environment and on the amenity of the community.

In many cases, environment protection licenses are granted as a part of the *integrated development* approvals process (see Information Sheet No. 1-4).

Composting facilities that are considered to be *scheduled activities*

require an environment protection licence according to the provisions in Schedule 1 of the Protection of the Environment Operations Act (1997), and according to other Acts if appropriate.

Composting facilities that are non-scheduled activities are likely to result in minimal to no environmental impact, and therefore do not require a licence.

In July 1999 the Protection of the Environment Operations Act (1997) commenced in NSW.

The Act consolidates the key pollution statutes under a single act. The Act embodies the now superseded Acts, including the Clean Air Act (1961), Clean Waters Act (1970), Environmental Offences and Penalties Act (1989), Noise Control Act (1975), Pollution Control Act (1970) and it incorporates the major regulatory provisions of the Waste Minimisation and Management Act (1995).

In the past, a licence under each of these Acts (where relevant) was required to operate a composting facility. Now, only one licence is required to operate a composting facility.

Step-by-step process to obtain approval and a licence

The Information Sheets have been produced to guide prospective developers of composting facilities through the complicated approvals and licensing process.

Information Sheets within this package have been arranged in sequence to guide the reader through the entire approvals and licensing process — from technology selection through to preparing an environmental management plan.

An outline of the approvals and licensing process for composting

Definitions

Development Consent¹

Means consent under Part 4 of the Environmental Planning and Assessment Act (1979) to carry out development and includes, unless expressly excluded, a complying development certificate.

Integrated Development¹

Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals: Fisheries Management Act (1994); Heritage Act (1977); Mine Subsidence Compensation Act (1961); National Parks and Wildlife Act (1974); Protection of the Environment Operations Act (1997); Rivers and Foreshores Improvement Act (1948); Roads Act (1993); Water Act, (1912).

Scheduled Activity²

An activity requiring a licence under Schedule 1 of the Protection of the Environment Operations Act (1997) by the Environment Protection Authority.

Environment Protection Licence²

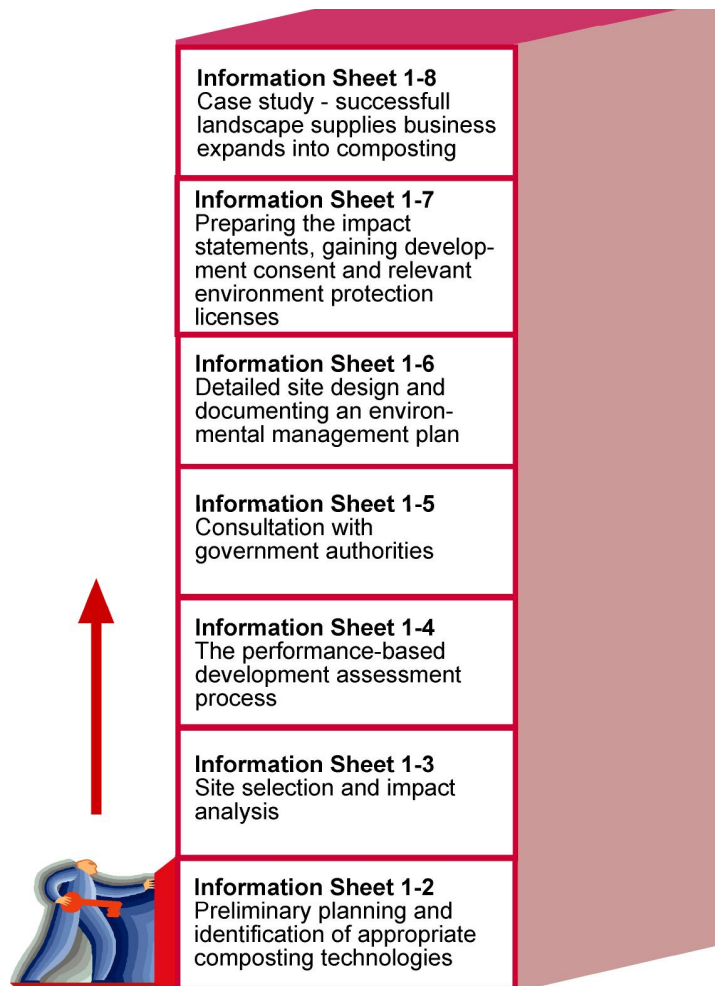
Environment protection licence means a licence authorising the carrying out of scheduled development work or scheduled activities or controlling the pollution of water arising from non-scheduled activities, being a licence issued under Chapter 3 (of the POEO Act, 1997) and in force.

¹ EP&A Act (1979).

² POEO Act (1997).

facilities in New South Wales is shown in Figure 1.

Figure 1. Overview of the Information Sheets which provide a guide to developing an approved composting facility in New South Wales.



Important references

- NSW EPA (1997). Green Waste Action Plan. NSW EPA, Chatswood, NSW.
- Environmental Planning and Assessment Act (1979). NSW Consolidated Acts. Internet publication: http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
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