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Related	

Changes to Infrastructure SEPP – Determination of Landfill Applications

The purpose of this circular is to advise consent authorities of revisions to the Infrastructure SEPP. These relate to mandatory considerations for determining applications for landfill facilities under Part 3A and Part 4 of the *Environmental Planning and Assessment Act 1979*.

Introduction

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) was introduced to facilitate the efficient delivery of infrastructure across the State.

Clause 123 of the Infrastructure SEPP prescribes criteria that consent authorities must consider when assessing and determining applications for landfill facilities.

On 7 July 2010 criteria in clause 123 were amended to reflect recent changes in market conditions for landfill disposal.

The new criteria shift the emphasis from justifiable demand towards increased waste recovery and other improved environmental outcomes.

Amendments to Clause 123

The new criteria are:

- (a) Whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of that waste is minimised before it is placed in the landfill; and
- (b) Whether the development:
 - i. adopts best practice landfill design and operation; and
 - ii. reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery; and
- (c) If the proposal relates to a new or expanded landfill:

- i. whether the land on which the development is located is degraded land such as a disused mine site, and
 - ii. whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication *EIS Guideline: Landfilling* (Department of Planning, 1996), as in force from time to time; and
- (d) Whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

In addition, the following definition has been added to the end of the clause:

(2) In this clause:

putrescible waste means general solid waste (putrescible) within the meaning of clause 49 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

The new criteria apply to all applications under assessment and therefore must be considered before any determination is made.

Further information

You may view a copy of the State Environmental Planning Policy (Infrastructure) 2007, including the clause 123 amendments, at the NSW Government's legislation website:

<http://www.legislation.nsw.gov.au/>

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