

Submission

To DELWP
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From Colin Sweet, CEO
Australian Landfill Owners Association

Date: 14 February 2020

Subject: **Proposed Buffer Area Overlay Guide**

The Australian Landfill Owners Association (ALOA) was formed in late 2008 and is the national body representing landfill owners across Australia.

Our primary purpose is work with our members and government to develop and amend legislation that maximises the benefit the community receives in having well located, professionally operated and highly compliant engineered landfills.

ALOA is the only Association which is entirely focussed on the landfill industry; an industry that is an essential service to the Community.

ALOA has members across both private industry and local government.

Comments

ALOA believes that incompatible use or development within a landfill buffer zone forfeits the right of complaint against the landfill operation, provided the landfill is meeting its compliance requirements beyond the buffer. Such forfeiting of this right should be recognised in the planning permit for the development and in cases where a planning permit is not required. The buffer should be recognised as a zone that is established to provide an area in which impacts can occur from time to time, but not on a regular basis, and are to be tolerated.

ALOA's comments on the Proposed Buffer Area Overlay therefore seek to reinforce the above suggestions. The following amendments are suggested:

1. Amend the paragraph at the top of page 2 by adding the words in bold:
*The proposed BAO is designed to only protect industries or other uses that are meeting relevant regulations **and standards measured beyond the buffer area.***
2. Amend the sentence inside the bordered area headed "Adverse Off-Site Impacts" by adding the words in bold:
*The use must have potential for **adverse** off-site impacts on **the environment**, safety or human health **within the buffer zone.***
3. Amend the sentence inside the bordered area headed "Incompatible Use and Development" by adding the words in bold:
*The current zoning must have the potential to provide for incompatible use and development to occur (either with or without a permit) within the identified buffer **zone recognising that such incompatible use then has no right to raise complaint in regard to adverse impacts on the environment, safety or human health within the buffer zone when the industry or other use to which the buffer zone applies is meeting the compliance requirements. This aspect shall be incorporated in the provisions of a permit for the incompatible use or if a planning permit is not required then in the building permit for the incompatible use.***

For further information on this important matter, please contact ALOA.

Yours Sincerely



Colin Sweet, CEO