



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

23 JUNE 2026

COUNCIL CHAMBERS
COMMUNITY ADMINISTRATION
CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 23 June 2026 commencing at 4:30 pm.

CERTIFICATION

I, Robert Higgins, Chief Executive Officer of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS
CHIEF EXECUTIVE OFFICER
17 JUNE 2026



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 23 JUNE 2026

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AUDIO-VISUAL RECORDING OF MEETINGS

I would like to advise that an audio-visual recording is being made of this meeting. I also remind everyone present to be respectful and considerate towards others attending the meeting. Language or behaviour that could be perceived as offensive, defamatory, or threatening to any person attending the meeting, or to those listening to the recording, will not be tolerated.

1.0 ATTENDANCE

△

Chairperson Mayor Gatehouse
Deputy Mayor M Larkins
Councillor B Nichols
Councillor S Campbell
Councillor B Shaw
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, CEO

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 16 JUNE 2026

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 16 June 2026 be confirmed."

4.0 DECLARATIONS OF INTEREST



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
23 JUNE 2026

In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

5.0 LAND USE PLANNING

5.1 5.2026.34.1 – INTERIM COMPOSTING FACILITY SOUTHERN WASTE SOLUTIONS

Applicant:	Era Advisory OBO Southern Waste Solutions
Proposal:	Level 2 Activity - Composting Facility (Resource Recovery)
Site Address:	Blue Hills Road, Copping (CT 126073/1)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Council land

Relevant Zone:	26.0 Utilities
Proposed Use:	Recycling and Waste Disposal (Industrial)
Applicable Overlay(s):	Attenuation area Potentially contaminated land Bushfire-prone area Landslip area Priority vegetation area Waterway and coastal protection area
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code C9.0 Attenuation Code C13.0 Bushfire-prone Areas Code C14.0 Potentially Contaminated Land Code C15.0 Landslip Hazard Code
Valid Application Date:	6 March 2026
Decision Due:	7 July 2026
Discretion(s):	1 Clause C2.5.1 (P1), car parking numbers
Representation(s):	One

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2026.34.1 for a Level 2 Activity - Composting Facility (Resource Recovery) at Blue Hills Road, Copping be approved, subject to the following conditions:



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Planning Permit – Part A

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
 - (a) P1 (supporting planning report prepared by Era Advisory dated February 2026)
 - (b) P1 (proposal plans prepared by Era Advisory dated February 2026)
 - (c) P1 (environmental effects report prepared by Era Advisory dated 6 February 2026)

2. Prior first use, at least 14 car parking spaces must be provided on site and must be available for car parking at all times. Any external space used for parking must:
 - (a) be at least 5.4m long and 2.6 m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
 - (b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.

3. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environment Protection Authority (EPA) has required the planning authority to include in the permit pursuant to Section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.

Asset Protection

- In accordance with the *Local Highway Bylaw 2 of 2015*, the owner is required to repair any damage to any Council infrastructure caused during construction.



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23 JUNE 2026

- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Planning Permit – Part B

Permit conditions – Environmental No. 12394

Issued under the *Environmental Management and Pollution Control Act 1994*

(Refer separate attachments).

Executive Summary

Application is made for a composting facility (resource recovery) at the existing Copping landfill at Blue Hills Road, Copping. This property is zoned Utilities, takes access from Blue Hills Road to the Arthur Highway and is located to the northwest of Dunalley.

The key planning considerations relate to the categorisation of use, car parking number and the anticipated increase in vehicle movements to and from the site.

The application is considered to comply with each applicable standard of the Tasmanian Planning Scheme (Sorell LPS) and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.



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Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.

- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

Report

Description of Proposal

The proposal is for the development of an interim composting facility within the existing Copping landfill site. The proposal is to undertake windrow composting, and the compost would not be available for sale but retained on site as stockpiles to be used for rehabilitation within the boundaries of the existing landfill area.

Use

The proposed use is categorised as being within the recycling and waste disposal use class, which is the existing and approved use of the site.

Development

The development includes the construction of an interim composting area, by grading the subject area to create a fall to the south, establish a 100m by 50m clay perimeter bund and install two 20,000L poly water tanks on a hardstand pad to provide water for the operation.

It is intended that the interim facility would operate for three years, with a large-scale organics facility to be operational in its place. The interim facility



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would then be decommissioned. The purpose of the facility is to allow local councils to implement planned FOGO services by providing an interim composting solution prior to the development of the complete facility.

The application is supported by:

- planning assessment prepared by Era Advisory dated February 2026
- proposal plans prepared by Era Advisory dated February 2026
- environmental effects report prepared by Era Advisory dated 6 February 2026

Description of Site

The site is a 451ha lot that supports the existing Copping Tip at Blue Hills Road, Copping. This property is zoned Utilities, takes access via Blue Hills Road from the Arthur Highway and is located to the northwest of Dunalley. The specific site of the interim facility is central to the site, which is within a valley surrounded by ridges, and at its closest point is approximately 1km to the south of the Arthur Highway. Copping township is approximately 2.5km from the boundary of the land, and adjoining land is predominantly rural, with limited cropping and extensive grazing occurring.

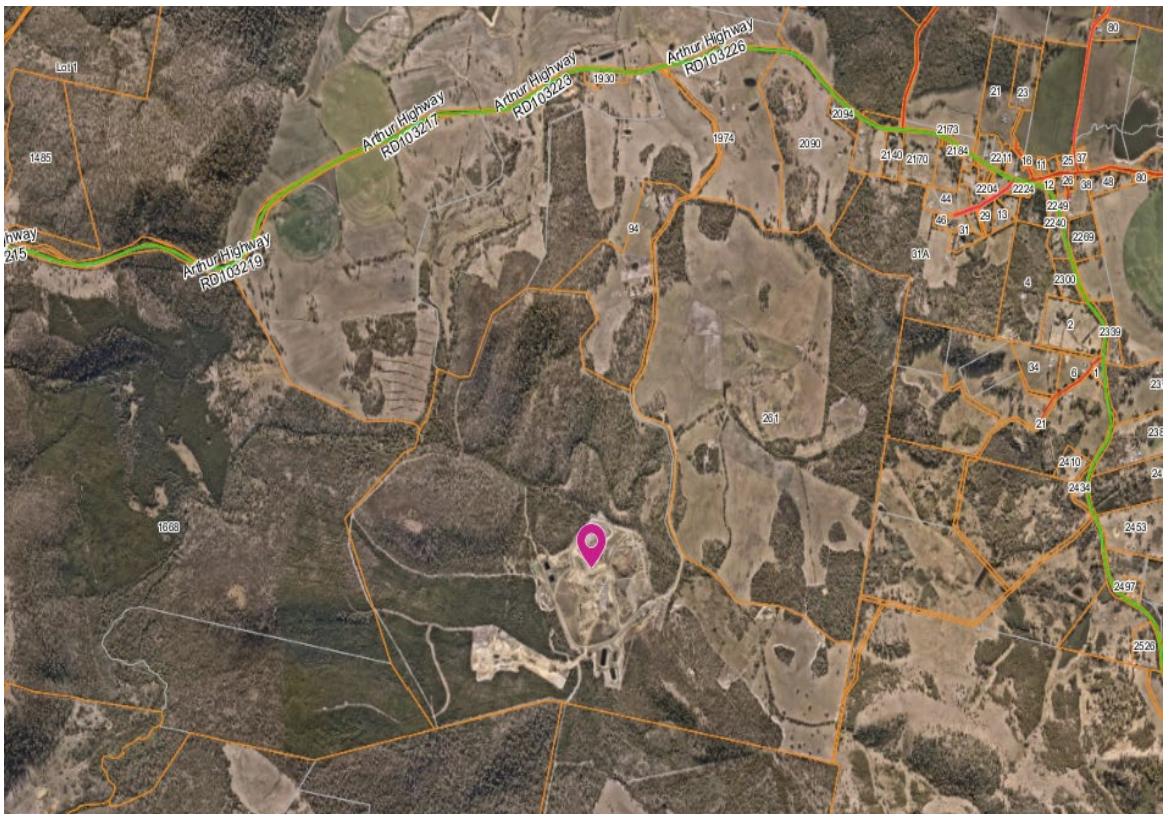


Figure 1. Subject site.

Planning Assessment

26.0 Utilities Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
26.3.1 A1	Use standards	Not applicable, in that the proposed use is not within 50m of a residential zone.
26.3.1 A2	Use standards	Not applicable, as the proposed use is not within 50m of a residential zone.
26.3.1 A3	Use standards	Not applicable, as the proposed use is not within 50m of a residential zone.
26.3.2 A1	Discretionary uses	Not applicable, in that recycling and waste disposal is a permitted use class within the zone.
26.4.1 A1	Building height	Yes, as the water tanks proposed would have a height of 2.4m and would not exceed the 10m height prescribed.
26.4.1 A2	Building height	Not applicable, in that the site is not within 10m of a residential zone.
26.4.2 A1	Setbacks	Yes, as the structures would be setback in excess of 5m from all lot boundaries.
26.4.2 A2	Setbacks	Not applicable, as the site is not within 10m of a residential zone.
26.4.4 A1	Outdoor storage areas	Yes, in that the composting area is anticipated to have a maximum height of approximately 5m above natural ground level.

Codes

A number of Scheme codes apply with the site, and to the development. Being, however, that the application is also assessed under the *Environmental Management and Pollution Control Act 1994* (EMPCA) as a level 2B activity, the proposal is exempt from assessment under both the Attenuation and the Potentially Contaminated Land Codes. There is also no development proposed within the parts of the site affected by the Landslip Hazard or the Natural Assets Codes, which are therefore not relevant to this assessment.

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Car parking numbers	No, in that the parking requirement for the proposal is calculated by A1(d)ii) at 15 spaces. There are 14 spaces on site and no additional spaces are proposed. Please refer to the performance criteria assessment below.
C2.5.2 A1	Bicycle parking numbers	Yes, as there is no requirement for bicycle parking spaces as part of the use of the site for recycling and waste disposal.

C2.6.3 A1	Number of accesses for vehicles	Yes, no new vehicle accesses are proposed.
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Performance Criteria Assessment 1 – Clause C2.5.1 P1 Car parking numbers

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;
- (b) the ability of multiple users to share spaces because of:
 - (i) variations in car parking demand over time; or
 - (ii) efficiencies gained by consolidation of car parking spaces;
- (c) the availability and frequency of public transport within reasonable walking distance of the site;
- (d) the availability and frequency of other transport alternatives;
- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;
- (g) the effect on streetscape; and
- (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

The proposal relies upon the performance criteria in that the parking requirement for an intensification of proposed use is 15 spaces, and 14 spaces are existing on the site. There are no additional spaces proposed.

There are 12 staff employed on site and no public access to the site occurs. The proposed (existing) parking arrangement therefore meets the reasonable needs of the use in that the parking spaces are available to the workers and contractors engaged on the site. The tests of the performance criteria are therefore met.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1	Use standards	Yes, in that there would be an increase in traffic movements by approximately 4 percent of current movements, which is within the 20 percent acceptable increase prescribed by Table C3.1.

Bushfire-Prone Areas Code

The site is within a bushfire-prone area, however, as the proposal is not for a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

One representation has been received, which has been addressed by the Environmental Assessment Report (EAR) prepared for the Board of the Environment Protection Authority dated June 2026, a copy of which is included in the attachments. Further comments are provided in response the following table:

Issue	Relevant Clause	Response
Existing permit prohibition on composting without director approval	N/A	This application is for a new composting facility.
Failure to demonstrate best practicable environmental management	N/A	All environmental matters have been addressed by the EAR, and are not relevant Scheme considerations for a Level 2 activity.
Non-compliance of proposed stockpiling regime	N/A	
Odour risk	N/A	
Leachate and groundwater risk	N/A	
Contamination	N/A	
Non-conservative feedstock assumptions	N/A	
Partial compliance with Australian Standards	N/A	Non-compliance with Australian Standards is not a relevant Scheme consideration.
Incorrect categorisation of activity	Clause 6.2	The representor submits that the use has been incorrectly categorised as resource recovery as opposed to waste treatment, as relevant to the environmental assessment. This has no bearing on the categorisation under the Scheme in that Clause 6.2.4 prescribes that if a use or development does not readily fit any Use Class, it must be categorised into the most similar Use



		Class which in this case is the recycling and waste disposal use class.
Inaccuracy of interim description	N/A	The proposal satisfactorily details the intended length of operation of the facility. That said, there is no necessity to limit the timeframe under the Scheme.
Unjustified capacity of facility and ACCC refusal of similar facility at Copping landfill	N/A	These matters are not relevant Scheme considerations.

Conclusion

The application is considered to comply with each applicable standard of the Tasmanian Planning Scheme (Sorell LPS) and is recommended for conditional approval.

Kate Guinane
Senior Planner

Attachments

Proposal plans prepared by Era Advisory dated February 2026
1 x Representation

Separate Attachments:

Permit Part B – Permit Conditions Environmental No. 12394 (EPA)
Environmental Assessment Report (EAR) prepared by the Environment Protection Authority dated June 2026
Planning assessment prepared by Era Advisory dated February 2026
Environmental effects report prepared by Era Advisory dated 6 February 2026





Boundary of the Land (Project Site)	Contour (10m)
Site access	Cadastral parcels
Interim compost area	Main road
Waterbodies	Access road
Watercourse	

Development Application: 5.2026-34.1 -
 Development Application - Blue Hills Road,
 Sorell, TAS 7245 - 1
 Date Received: 11/02/2026

Copping Interim Composting

Figure 1 Site location



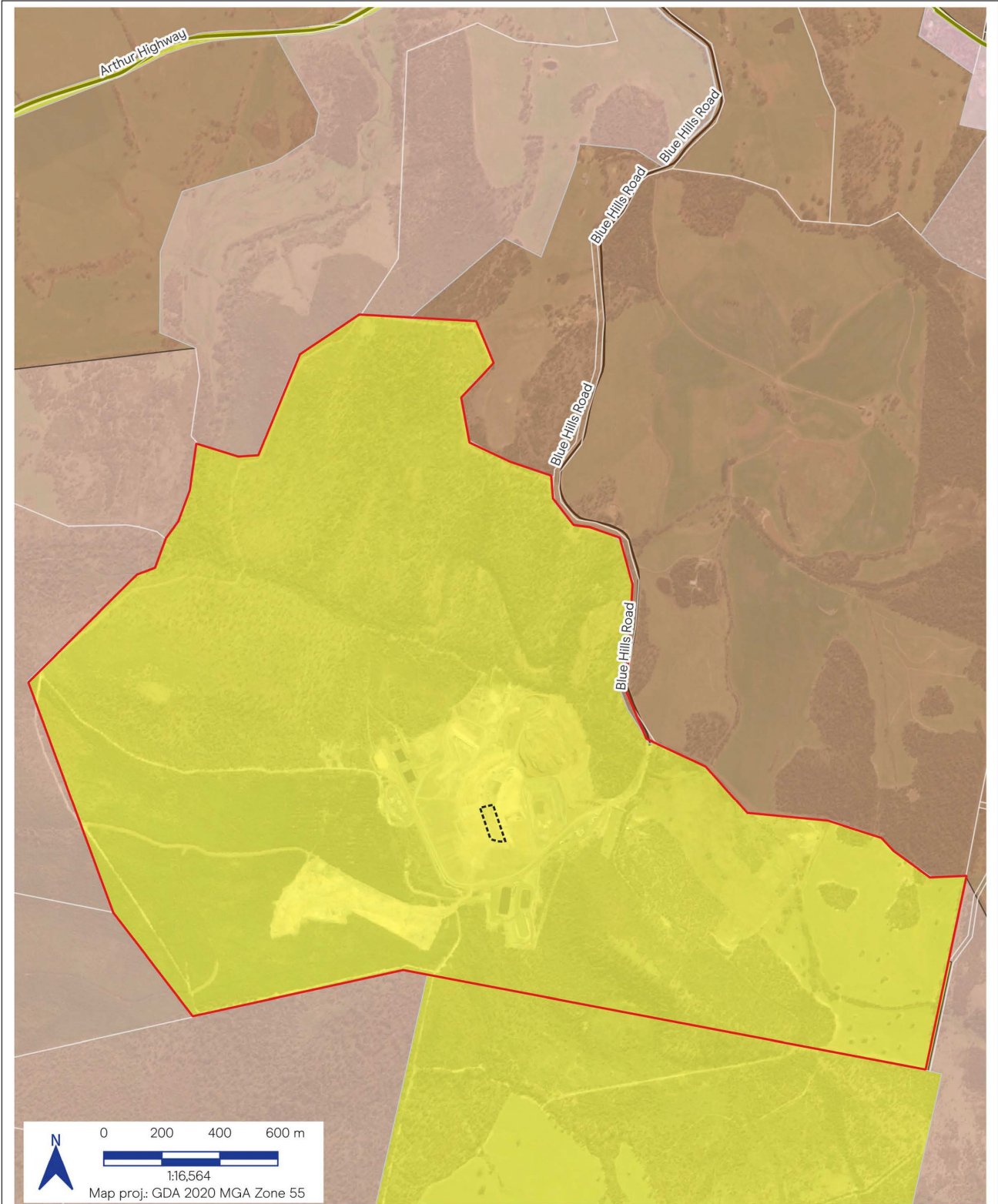
Job No. 2526-018
 Rev. V1
 Date 23 Dec 2025
 Size A4





The Land boundary	Proposed Interim compost area	<p>Copping Interim Composting</p> <hr/> <p>Project layout</p>	<p>Job No. 2526-018 Rev. V2 Date 23 Dec 2025 Size A4</p>
Access road	Bund		
Existing	Water tanks		
Internal roads			

Sorell Council
 Development Application: 5.2026 34.1 -
 Development Application - Blue Hills Road,
 Copping - P1.pdf
 Plans Reference: P1
 Date Received: 11/02/2026



- Boundary of the Land (Project Site)
 - Interim compost area
 - Cadastral parcels
- Tasmanian Planning Scheme Zoning
- Agriculture
 - Rural
 - Utilities

Copping Interim
Composting

Zoning






Job No. 2526-018
Rev. V.2
Date 19 Dec 2025
Size A4

Sorell Council
 Development Application 5 2025 34 1 -
 Development Application - Blue Hills Road,
 Copping, TAS.
 Plans Reference: P1
 Date Received: 11/02/2025





-  Boundary of the Land (Project Site)
-  Interim compost area
- Tasmanian Planning Scheme Code Overlay
-  Bushfire-prone areas

Sorell Council
 Development Application: 5.2026.34.1 -
 Development Application - Blue Hills Road,
 Copping - P1.pdf
 Plans Reference: P1
 Date Received: 11/02/2026

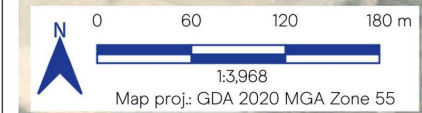
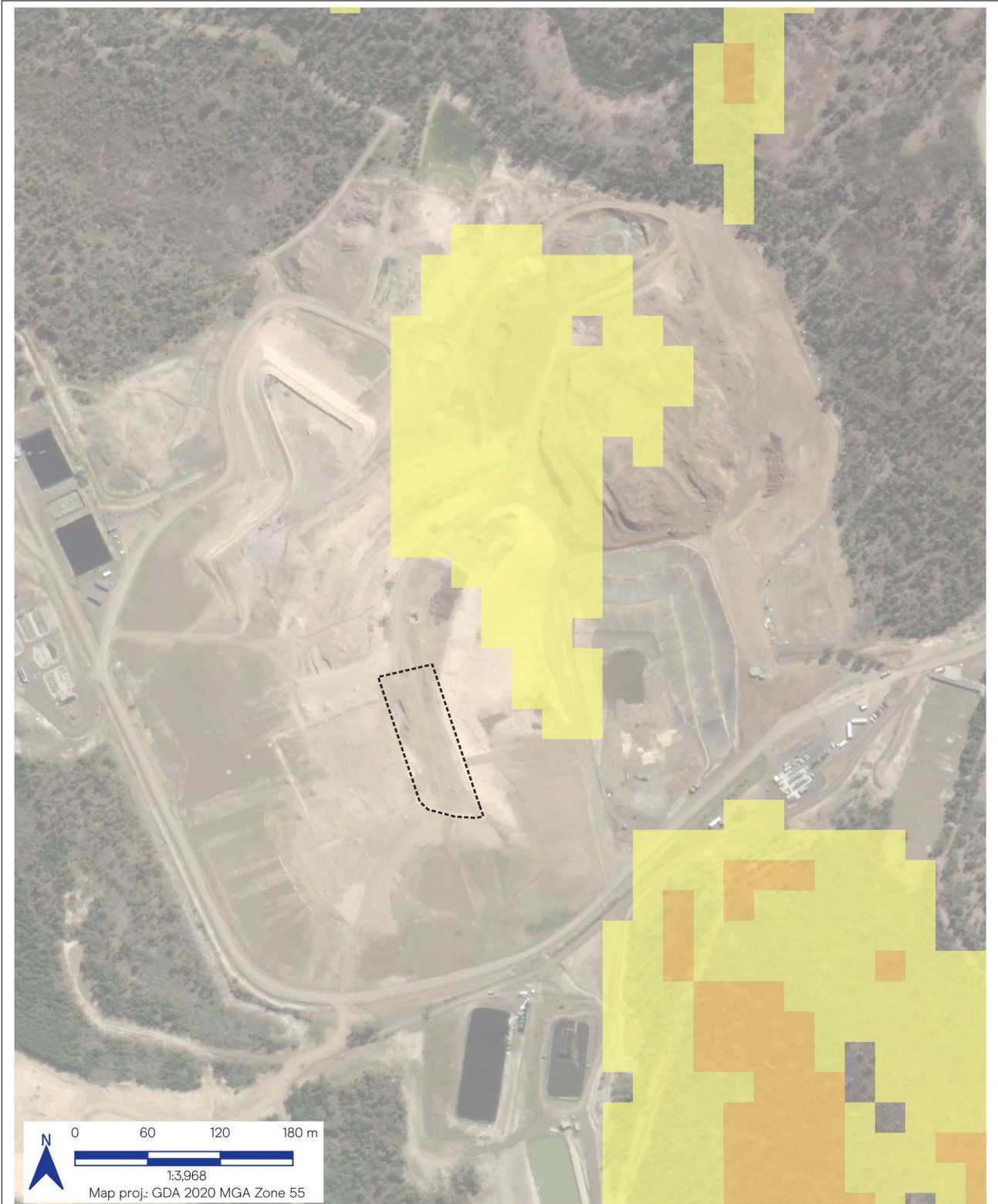
Copping Interim
Composting

Tasmanian Planning
Scheme Code
Overlay -
Bushfire-prone areas



Job No. 2526-018
Rev. V1
Date 23 Dec 2025
Size A4





 Interim compost area
 Tasmanian planning scheme code overlay
 Landslip hazard - medium risk
 Landslip hazard - low risk

Sorell Council
 Development Application: 5.2026.34.1 -
 Development Application - Blue Hills Road,
 Copping - P1.pdf
 Plans Reference: P1
 Date Received: 11/02/2026

Copping Interim
 Composting

 Tasmanian Planning
 Scheme Code
 Overlay - Landslip
 hazard



era

Job No. 2526-018
Rev. V.2
Date 6 Feb 2026
Size A4





0 60 120 180 m
 1:3,968
 Map proj.: GDA 2020 MGA Zone 55

-  Interim compost area
- Tasmanian Planning Scheme Code Overlay
-  Priority vegetation area

 **Sorell Council**
 Development Application: 5.2026.34.1 -
 Development Application - Blue Hills Road,
 Copping - P1.pdf
 Plans Reference: P1
 Date Received: 11/02/2026

Copping Interim
 Composting

Tasmanian Planning
 Scheme Code
 Overlay - Priority
 vegetation area



Job No. 2526-018
Rev. V.2
Date 6 Feb 2026
Size A4



20 April 2026

Formal Objection to Permit Application – Southern Waste Solutions, Copping Interim Composting Project, Copping Landfill

This response is on behalf of [REDACTED] a licensed operator of a Food Organics and Garden Organics (FOGO) composting facility [REDACTED]. [REDACTED] holds Environmental Protection Notices issued under the *Environmental Management and Pollution Control Act 1994* (Tas) (EMPCA) and operates in direct market proximity to the proposed activity.

This representation is made pursuant to section 57(5) of the *Land Use Planning and Approvals Act 1993* (Tas) (LUPAA) and in respect of the permit application and Environmental Effects Report (EER) prepared by Southern Waste Solutions (SWS) dated 6 February 2026 (the **Proposal**).

The Proposal has been referred to the Board of the Environment Protection Authority (**the Board**) for assessment under EMPCA. This submission is directed to the Board pursuant to that assessment process.

For the reasons set out below, it is submitted that the Proposal does not satisfy the requirements of EMPCA, the Environmental Impact Assessment Principles set out in section 74 of EMPCA, or the EPA's published guidelines, and should not be approved in its current form.

1. STANDING AND INTEREST OF THE REPRESENTOR

[REDACTED] composting facility in [REDACTED] and has a direct environmental, commercial and regulatory interest in the manner in which the Proposal is assessed and any conditions imposed.

[REDACTED] operations are subject to conditions imposed under EMPCA that require adherence to Best Practicable Environmental Management (BPEM), compliance with AS 4454:2012, and detailed environmental management planning. The Proposal, if approved without equivalent requirements, would represent a material inconsistency in the application of the regulatory framework governing FOGO composting in Tasmania.

2. EXISTING PERMIT CONDITIONS EXPRESSLY PROHIBIT COMPOSTING WITHOUT DIRECTOR APPROVAL

This is a matter of significant regulatory weight that has not been addressed in the EER.

The existing environmental permit for the Copping Landfill (Environmental Permit No. 11495, issued pursuant to the September 2023 Environmental Assessment Report for Copping Landfill Cells 10 and 11) expressly provides:

Condition OP14: Composting is not permitted on the site without prior approval of the Director.

Condition OP15: The receipt and storage of waste for recycling is not permitted without written approval from the Director.

These conditions were imposed by the Board following assessment of the expanded landfill cells precisely because composting at this site was identified as requiring dedicated, case-specific Director approval. The Proposal is, in substance, an application to override those conditions.

The existence of these conditions is material to the Board's assessment and warrants a higher level of scrutiny than would apply to a greenfield composting application. The Board should satisfy itself that the Proposal meets a standard commensurate with the regulatory concern that gave rise to those conditions in the first instance.

3. FAILURE TO DEMONSTRATE BEST PRACTICABLE ENVIRONMENTAL MANAGEMENT

EMPCA requires that all Level 2 activities be conducted in accordance with Best Practicable Environmental Management – being the best combination of available environmental controls, technology and operational practices to minimise environmental harm.

The Proposal relies upon:

- Open windrow composting of mixed municipal FOGO on an unlined surface;
- Extended stockpiling of untreated FOGO (up to 3,000 m³, 4–5 metres high, for up to two months);
- Manual contamination removal; and
- Reactive, operator-dependent controls rather than engineered containment systems.

The Board's own EIS Guidelines issued for the Copping Regional Organics Facility (the proposed permanent facility at the same site) expressly contemplated **in-vessel composting** as the preferred processing method. That facility – which is subject to a full Environmental Impact Statement process – requires enclosed processing for precisely the reasons that make the Proposal inadequate: odour control, leachate management, process stability, and feedstock variability.

The EPA's Composting Guidelines state that organic processing facilities should be designed to *prevent* emissions at source, maintain aerobic conditions, and process putrescible material promptly. Open windrow composting of mixed municipal FOGO does not meet these expectations without substantial engineered controls.

It is submitted that the Proposal does not demonstrate BPEM and relies on a minimal-control model that is not appropriate for a Level 2 activity of this scale involving mixed municipal FOGO.

4. STOCKPILING REGIME – NON-COMPLIANCE WITH EPA GUIDELINES

The Proposal provides for:

- Stockpiling of up to 3,000 m³ of mixed FOGO;
- Stockpile heights of 4–5 metres; and
- Processing intervals of up to two months.

This is directly inconsistent with the *EPA Tasmania Guidelines for Stockpiling Waste (2021)*, which require that stockpiling be minimised in both duration and volume, and that stockpiled material not be permitted to degrade or generate emissions.

FOGO is inherently putrescible. Stockpiled FOGO at the dimensions proposed will predictably and foreseeably:

- Undergo anaerobic decomposition within days to weeks;
- Generate hydrogen sulphide, ammonia, and volatile organic compound emissions;
- Produce leachate

There is no meaningful odour or emissions assessment of the stockpiling regime. This is a significant gap in the EER and represents a departure from the Stockpiling Guidelines.

It is submitted that the stockpiling regime as proposed is non-compliant with EPA guidelines and constitutes a foreseeable source of environmental nuisance under section 53 of EMPCA.

5. ODOUR RISK – INADEQUATE ASSESSMENT CONTRARY TO THE EER GUIDELINES

The Board's own EER Guidelines for this Proposal expressly require the proponent to:

- Identify all odour sources associated with the activity;
- Assess the risk of nuisance under
- Consider worst-case operational scenarios including wind direction, proximity to sensitive receptors, and operational variability; and
- Demonstrate compliance with EPA air quality policy.

The EER does not contain a dedicated odour impact assessment. The proponent asserts that odour "will not increase" beyond existing landfill operations. This assertion is unsupported by modelling and is inconsistent with the known risk profile of open windrow FOGO composting.

Open windrow composting of mixed FOGO is widely recognised in the industry as a high-risk activity for odour generation. Odour peaks occur during:

- Turning events;
- Initial receipt of high food-organic content loads;
- Wet weather events that increase anaerobic conditions; and
- Periods of elevated ambient temperature.

The EPA's *Environmental Guidelines for Odour Management* require that odour be prevented *at source*, not merely managed after generation. Risk assessments must adopt a conservative and precautionary approach.

In the absence of dispersion modelling under worst-case conditions, the Proposal cannot demonstrate compliance with section 53 of EMPCA (environmental nuisance) or with the EPA Composting Guidelines. The Board's EER Guidelines have not been satisfied on this point.

It is submitted that this constitutes a fundamental deficiency in the EER and that approval cannot be granted without a proper odour impact assessment.

6. LEACHATE AND GROUNDWATER RISK – INADEQUATE ASSESSMENT

The EER confirms that:

- Composting will occur on unlined landfill cells;
- Leachate will be permitted to drain into the existing landfill leachate management system; and
- No dedicated leachate modelling or water balance analysis has been undertaken.

The Board's EER Guidelines expressly require full water balance modelling, assessment of storm event impacts (including 1-in-50-year events), groundwater impact analysis, and contingency plans. None of these has been provided.

Composting is a biologically active process that generates leachate with materially different characteristics to inert landfill waste, including elevated:

- Biochemical oxygen demand (BOD);
- Ammonia and nitrogen loads;
- Phosphorus; and
- Pathogen concentrations.

The assertion that the existing landfill leachate treatment system is adequate to manage composting leachate is unsubstantiated. Given that groundwater depths at parts of the site are as shallow as 1.1 metres (as noted in the EER), the absence of quantitative assessment is a significant regulatory concern.

The EPA's Information Bulletin No. 108 on Landfarming of Petroleum Contaminated Soils, and the Composting Guidelines, both require proponents to demonstrate that leachate generation and migration will not cause environmental harm to surface or groundwater. That standard has not been met.

7. CONTAMINATION – INADEQUATE MANAGEMENT AND DEPARTURE FROM EPA GUIDELINES

The EER assumes a contamination rate of approximately 2% non-compostable material and acknowledges that residual contamination (including plastics and other non-organics) will remain in the processed output.

This approach is inconsistent with the EPA's Composting Guidelines, which require:

- Effective removal of contamination prior to or during processing;
- Protection of end-product environmental quality; and
- Avoidance of the introduction of pollutants into land application.

A 2% contamination assumption is not consistent with industry experience for early-stage FOGO programs. Multiple published studies and Australian state regulators have observed contamination rates in the range of 5–15% for newly introduced kerbside FOGO collections.

The sole reliance on manual removal is not adequate for mixed municipal FOGO at the proposed scale. In-feed contamination of this nature results in microplastic contamination of the finished compost product, with long-term soil and groundwater implications. This is a foreseeable source of *material environmental harm* within the meaning of section 51 of EMPCA.

8. NON-CONSERVATIVE FEEDSTOCK ASSUMPTIONS – INCONSISTENT WITH EIA PRINCIPLES

The Proposal assumes a feedstock composition of approximately 93% garden organics and 3% food organics. This assumption is critical to the proponent's assertions regarding odour risk, contamination, and product quality.

This assumption is:

- *Not supported by evidence.* The proponent has acknowledged uncertainty in future feedstock volumes and composition;
- *Inconsistent with the EIA Principles.* Section 74 of EMPCA requires the Board to consider worst-case scenarios. The EER adopts optimistic assumptions and proposes to adjust operations only if conditions change; and
- *Inconsistent with the Board's own EER Guidelines,* which require assessment of worst-case operational scenarios.

As FOGO services expand in southern Tasmanian councils – which is the stated purpose of the Proposal – the proportion of food organics in the feedstock will predictably increase. A worst-case assessment should assume a materially higher food organic fraction, with corresponding impacts on odour, contamination, and leachate loading.

9. PARTIAL COMPLIANCE WITH AS 4454 – PRODUCT DOES NOT MEET EPA EXPECTATIONS

The EER acknowledges that the output product:

- Meets pasteurisation requirements; but
- Does not meet particle size requirements for classification under AS 4454:2012.

AS 4454:2012 is the recognised Australian standard for composts, soil conditioners and mulches. Partial compliance is not compliance. A product that does not meet AS 4454 cannot be described as a compliant compost product.

The EPA's Composting Guidelines require that composting facilities produce material that is *fit for purpose* and aligned with recognised standards. The Proposal explicitly fails this requirement.

10. NATURE OF THE ACTIVITY: WASTE TREATMENT, NOT RESOURCE RECOVERY

This is a matter of regulatory characterisation with significant implications for the standard of assessment to be applied.

The EER confirms that:

- The output product is not saleable;
- It does not meet AS 4454 classification; and
- It will be used solely for landfill rehabilitation at the Copping site.

An activity that takes in a regulated waste stream (FOGO) and produces a non-compliant, non-marketable output for use as landfill cover is, in substance, a **waste treatment and stabilisation activity**, not resource recovery. The proponent's characterisation of the activity as "resource recovery – the production of compost" should be critically scrutinised.

This distinction is material because:

- Resource recovery characterisation is used to justify the activity's regulatory classification and a lower tier of assessment scrutiny;
- The EPA's waste policy framework and circular economy objectives are predicated on genuine recovery of value;
- Where no genuine resource recovery outcome is achieved, a higher standard of environmental justification is required.

The Board should satisfy itself that the regulatory classification is appropriate and that the assessment standard applied reflects the true nature of the activity.

11. MISUSE OF "INTERIM" CLASSIFICATION

The Proposal is described as an interim facility to operate until approximately 2028–2029, pending the construction of a permanent advanced organics facility.

However:

- The *interim* period of approximately three years is not a short-term trial. It is a substantial operational period during which the environmental risks identified in this submission will be operative;
- EMPCA does not provide for reduced environmental standards for activities described as interim. The obligations under sections 5, 51, 53 and 74 apply equally regardless of the stated duration of the activity;
- The purpose of the interim facility – to enable councils to commence FOGO services before the permanent facility is built – is effectively a strategy to establish long-term contractual relationships with councils during the interim period; and
- The Board should not permit the interim characterisation to be used as justification for a lower standard of environmental control.

12. UNJUSTIFIED CAPACITY – 15,000 TONNES PER ANNUM

The Proposal seeks approval for up to 15,000 tonnes per annum (tpa). The stated purpose is to support *newly introduced* FOGO services in southern Tasmania.

No evidence has been provided that newly introduced council FOGO services in southern Tasmania will generate 15,000 tpa in the near term. The proponent has itself acknowledged uncertainty in future feedstock volumes.

Approval at 15,000 tpa would, in practice, provide SWS with capacity to:

- Accept FOGO from existing FOGO programs (not only newly introduced services);
- Compete directly for existing FOGO processing contracts; and
- Expand beyond an interim function.

The Board must consider the *foreseeable* operation of the activity, not merely its stated purpose. Approval at the upper capacity should not be granted in the absence of demonstrated need, and conditions should ensure the activity is genuinely confined to its stated purpose.

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

14. CONCLUSION

For the reasons set out above, the Proposal:

- Fails to demonstrate Best Practicable Environmental Management as required under EMPCA;
- Does not comply with the EPA’s own EER Guidelines (odour modelling, leachate modelling, worst-case assessment);
- Is inconsistent with the Composting Guidelines, the Stockpiling Guidelines, and the Odour Management Guidelines;
- Presents a foreseeable and inadequately assessed risk of environmental nuisance under section 53 of EMPCA;
- Relies on non-conservative feedstock and contamination assumptions inconsistent with the EIA Principles under section 74 of EMPCA;
- Produces a product that does not comply with AS 4454:2012;



- Seeks to override existing permit conditions (OP14 and OP15) that expressly prohibited composting at this site without Director approval; and
- Is excessive in scale relative to its stated purpose.

15. REQUESTED DETERMINATION

It is respectfully submitted that the Board should refuse the Proposal in its current form on the grounds that it does not satisfy the requirements of EMPCA or the EIA Principles.

In the alternative, should the Board consider approving the Proposal, it is requested that strict conditions be imposed, including:

1. Limiting FOGO throughput to no more than 7,000 tonnes per annum until BPEM compliance is demonstrated;
2. Restricting feedstock to FOGO from newly introduced council collection services only – with prohibition on receipt of FOGO from existing, operational collection programs;
3. Requiring a detailed odour impact assessment prepared by a suitably qualified environmental consultant, including worst-case modelling, prior to commencement of operations;
4. Requiring a water balance and leachate management plan, including storm event assessment, prepared and approved by the Director prior to commencement;
5. Requiring full compliance with AS 4454:2012 for any compost product, or prohibition on land application of non-compliant material;
6. Requiring a contamination management plan with specified rejection thresholds and mechanical pre-processing requirements;
7. Restricting stockpile volumes and duration in accordance with the EPA Stockpiling Guidelines (2021);
8. Prohibiting the proponent from tendering for or accepting FOGO under contracts with councils that are not specifically for the newly introduced services the subject of this application; and
9. Requiring BPEM assessment and demonstration prior to any increase in throughput toward the 15,000 tpa maximum.

Yours faithfully,

[Redacted signature block]

Note: This submission is made on behalf of [Redacted] pursuant to section 57(5) of LUPAA. [Redacted] requests that its identity be treated as confidential for commercial reasons in accordance with the confidentiality provisions applicable to this process.

